

# Kitsap County Sheriff's Office

LE Policies

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## SHERIFF'S MESSAGE

# Kitsap County Sheriff's Office

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### **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

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## **MISSION, VISION, AND VALUES**

### **MISSION STATEMENT**

**Through our vision and values, we are dedicated to providing quality public safety services in partnership with our diverse communities.**

### **VISION**

**To be recognized as a respected and trusted Sheriff's Office while making Kitsap County a safer place to live, work, and visit.**

### **CORE VALUES**

**Central to our mission are the values which guide our work. These values are the foundation of our agency and help us to ensure the quality of life and public safety in Kitsap County.**

#### **Teamwork**

We are committed to consistently engage and interact with the public, civic partners, and other police agencies in order to continually improve our community and our Sheriff's Office. We also empower and support the individual talents and creativity of our personnel. We understand that collaboration, and the sharing of knowledge and information results in the greatest problem solving outcomes for all and further cultivates partnerships across our community.

#### **Integrity**

Understanding the great authority given us, whether observed by others or not, we embrace the highest standards of honesty, discipline, and ethics. We ensure that our communication and actions are conscientious and empathetic. We respect and show dignity to all persons, recognizing that diversity enhances our community.

#### **Professionalism**

We recognize and adjust to the evolving needs of our community, ensuring a sustained commitment to those we serve. We are an agency that remains fiscally responsible, is progressive, proactive, effective, and reliable. Being sworn to be accountable to ourselves and to the citizens, we conduct ourselves as an example to others. We invest in the welfare and safety of our personnel and the public. We are an agency that continuously strives to learn and operate at the highest levels of our professions in order to ensure that we continue to provide quality services.

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## **Chapter 1 - Law Enforcement Role and Authority**



# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Kitsap County Sheriff's Office to perform their functions based on established legal authority.

## 100.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

While this office recognizes the power of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

## 100.3 PEACE OFFICER POWERS

Sworn members of this office are authorized to exercise peace officer powers pursuant to applicable state law.

### 100.3.1 ARREST AUTHORITY

The arrest authority of the Kitsap County Sheriff's Office includes (RCW 10.31.100):

- (a) When a peace officer has probable cause to believe that a person has committed or is committing a felony, the officer shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).
- (c) A peace officer may arrest a person in compliance with an arrest warrant.
  - 1. After detaining a person, the warrant must be confirmed via Kitsap911, or issuing agency, and
  - 2. Extradition must be verified via Kitsap911, WACIC/NCIC, or issuing agency for out of county warrants.

### 100.3.2 OREGON AUTHORITY

Sworn members of this office who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles of the Washington-Oregon border under the following circumstances (ORS 133.405):

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

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- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, whether or not an Oregon law enforcement official is present at the scene of the incident.

Kitsap County Sheriff's Office deputies have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, deputies should seek permission from an office supervisor before entering Oregon to provide law enforcement services. As soon as practicable, deputies exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

### **100.4 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When a deputy enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

When a deputy makes an arrest in Idaho or Oregon, the arresting deputy shall cause the person to be taken without delay to a magistrate in the county where the arrest was made (Idaho Code 19-702; ORS 133.440).

### **100.5 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and Washington Constitutions.

### **100.6 SHERIFF'S AUTHORITY AND JURISDICTION**

The Kitsap County Sheriff's Office (KCSO) operates under the authority of RCW 36.28. This statute states that the Sheriff of the county is the Chief Executive Officer and the conservator of the peace of the county. The statute gives the Sheriff the authority to appoint deputies and confer on them the full powers of the Sheriff. The authority of KCSO deputies is conferred through a commission issued by the Sheriff.

The Sheriff or any deputy may make arrests for violations of state law anywhere within Kitsap County and for violations of county ordinances in the unincorporated areas of the county. The physical jurisdictional boundaries of Kitsap County are set by RCW 36.04.180.

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The Sheriff is invested by law with power and authority to select, appoint, employ deputies, or other necessary employees subject to civil service

### **100.7 SPECIAL COMMISSIONS**

The Sheriff has the power, under RCW 36.28, to confer special commissions as needed to carry out the duties of the agency. Special commissions may be withdrawn at the discretion of the Sheriff. The agency utilizes the following special commission personnel:

Corrections Officers - appointed to provide all county correction services.

Court Security Personnel - appointed to provide security to the court.

Reserve Deputies - Reserve deputies are specially commissioned and trained deputies that augment the staffing of the agency at times determined by the Sheriff. While on duty, reserve deputies have full authority to enforce criminal laws of the state and Kitsap County Ordinances.

Citizen's On Patrol personnel are appointed to enforce parking ordinances and other duties as specified by the Sheriff.

## Law Enforcement Certification

### 102.1 PURPOSE AND SCOPE

All sworn deputies, reserve deputies and corrections officers employed by the Kitsap County Sheriff's Office shall receive certification by CJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment (RCW 43.101.095 and 43.101.200(1)).

## Oath of Office

### **104.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

### **104.2 POLICY**

It is the policy of the Kitsap County Sheriff's Office that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

### **104.3 OATH OF OFFICE**

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (RCW 43.101.021).

### **104.4 MAINTENANCE OF RECORDS**

The oath of office shall be filed in accordance with the established records retention schedule and any applicable state and/or local law.

# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the Kitsap County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

### 106.1.1 DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Kitsap County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Kitsap County Sheriff's Office reserves the right to revise any policy content, in whole or in part. In the event that there is a conflict between a policy in this manual and a Collective Bargaining Agreement the Collective Bargaining Agreement language would supersede the policy.

## 106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Kitsap County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Kitsap County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

### 106.2.2 EXECUTIVE STAFF

Executive Staff shall consist of the following:

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- Sheriff
- Undersheriff
- The Chief from each division

The executive staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

### 106.2.3 OTHER PERSONNEL

All Sheriff's Office employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Chief who will consider the recommendation and forward to staff.

### 106.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue Sheriff's Office directives which shall modify those provisions of the manual to which they pertain. Sheriff's Office directives shall remain in effect until such time as they may be permanently incorporated into the manual.

### 106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X".

### 106.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Administrative Assignment** - An assignment of duties made by a rank of at least a Division Chief or Designee. This type of assignment may be made during the course of an administrative investigation process. The assigned duties may be different than the normally assigned duties of the employee, but the duties will be of the type within the employee's job classification. The Division Chief, at his/her discretion, may assign an employee on administrative assignment to his/her home.

**Administrative Investigation** - An investigation dealing with policy and procedural issues

**Adult** - Any person 18 years of age or older

**Agency** - The Kitsap County Sheriff's Office

**Bargaining Units** - An employee labor organization

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**CAD** - (Computer Aided Dispatch) A computerized tracking system that stores records of dispatch information between Central Communications and deputies

**CenCom** - Kitsap County Central Communications, which is the countywide dispatch center for all emergency services

**CFR** - Code of Federal Regulations

**Citizens on Patrol (COP)** - Limited commission volunteer with the Kitsap County Sheriff's Office

**Civil Service Commission** - Governing body for Kitsap County Sheriff's Office employees

**Civil Service Rules** - Personnel rules promulgated by the Civil Service Commission

**Civilian/Nonsworn** - Employees and volunteers who are not sworn peace officers

**CJTC** - The Criminal Justice Training Commission

**Command Staff** - Agency employees assigned the rank of lieutenant and above

**Concurrent Jurisdiction** - A range of territory where two groups have equal enforcement rights

**Corrections Officer** - Employee commissioned by the Sheriff to work in the Corrections Division

**County** - The County of Kitsap County

**County Code** - Includes all laws of Kitsap County which are of a general and permanent nature or impose any fine, penalty or forfeiture

**Court Security Officer** - An employee of Kitsap County Department of Administrative Services who has been granted a limited commission by the Sheriff and assigned to provide security to the courts. A Court Security Officer shall fall under the Supervision of the Kitsap County Sheriff's Office and is expected to follow the rules of this manual

**Department** - The Kitsap County Sheriff's Office

**Deputy** - Fully commissioned law enforcement officer with the Kitsap County Sheriff's Office

**DOL** - The Department of Licensing

**Directive** - Kitsap County Sheriff's Office policy or procedure that involves specific Divisions or segments of the agency. The Sheriff, Undersheriff, or Division Chiefs may issue directives.

**Division** - A Division is the primary subdivision of the Sheriff's Office with the responsibility for providing specific functions. A Division is commanded by a Division Chief.

**Division Chief** - A member of the executive staff that commands a specific division

**Division Operations Manual/Divisional Manual** - A manual developed by a Division Chief outlining specific policy and procedures for that particular division

**Employee/Personnel** - Any person employed by the Department

**Executive Staff** - Exempt senior management positions appointed by the Sheriff



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**Guild** - A bargaining unit

**Incident Commander** - Person in charge of an incident

**Investigating Officer/Deputy** - An officer/deputy of any rank, assigned as the investigator of a reported incident or administrative investigation

**IOC** - (Interoffice Communication) - A written communication within the Sheriff's Office

**Juvenile** - Any person under the age of 18 years

**KCSO** - The Kitsap County Sheriff's Office

**Manual** - The Kitsap County Sheriff's Office Policy Manual

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person who is employed or appointed by the Kitsap County Sheriff's Office including full time sworn commissioned deputies, corrections officers, court security officers, reserve deputies, civilian non-sworn employees and volunteers.

**Office** - The Kitsap County Sheriff's Office

**Officer in Charge (OIC)** - Among officers who are present, the officer who has been assigned, or when no assignment has been made, the officer who has seniority over other officers of equal rank.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Off-duty** - Off duty is time spent where Kitsap County has no financial obligations and the member is not engaged in on-duty activities.

**On-Scene Commander** - The person who is in charge of an incident scene. An officer of any rank may fill this position.

**OPS** - The Office of Professional Standards

**Order** - A written or verbal instruction issued by a superior.

**Overtime** - Any time that the non-exempt employees work outside their normally assigned scheduled shift.

**Rank** - The job classification held by an officer or deputy.

**Ranking Officer** - The officer of the highest rank on duty or at an incident scene regardless of time in grade.

**RCW** - Revised Code of Washington

**Reserve Deputy** - Reserve Deputies are specially commissioned and trained volunteers that augment the staffing of the office

**Retired Employee** - The termination of employment for service or disability pursuant to applicable retirement laws

**Shall or will** - Indicates a mandatory action

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**Sheriff's Office** - The Kitsap County Sheriff's Office

**Shift** - The time period an employee is scheduled to work

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform

**Supervisor** - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment

The term "supervisor" may also include any person (e.g., officer/deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation

When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor

**Training Bulletins** - Training Bulletins disseminate information on new or revised procedures that will assist employees in properly carrying out their duties. They may refer to certain policies and clarify certain duties, expectations or improve employee safety.

**Union** - Bargaining Unit

**USC** - United States Code

**WAC** - The Washington Administrative Code

**WSP** - The Washington State Patrol

### **106.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **106.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **106.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

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Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Chief will ensure that members under his/her command are aware of any Policy Manual revision.

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Chiefs, who will consider the recommendations and forward them to the command staff as appropriate.

## **Chapter 2 - Organization and Administration**

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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of this office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

## 200.2 OFFICE OF THE SHERIFF

The Office of the Sheriff consists of the Sheriff and Undersheriff. The Undersheriff is second in command of the Kitsap County Sheriff's Office and is subordinate only to the Sheriff. The Undersheriff is the Sheriff's chief administrator and has duties as assigned by the Sheriff. During the Sheriff's temporary absence from duty, the Undersheriff automatically assumes all duties and responsibilities of the Sheriff.

The Office of the Sheriff includes the Office of Professional Standards, Public Information Officer, Accreditation Manager, Honor Guard, and administrative staff including the Sheriff's Administrative Office Manager.

## 200.3 DIVISIONS

The Sheriff is responsible for administering and managing the Kitsap County Sheriff's Office. There are three divisions in the Sheriff's Office as follows:

- Patrol Division
- Detective and Support Services Division
- Corrections Division

The Divisions are under the command of a Division Chief appointed by the Sheriff. The Chiefs direct the activities of their division in accordance with policies of the Sheriff. Chiefs may set policies and procedures that do not conflict with policies in this manual for personnel under their command.

### 200.3.1 PATROL DIVISION

This Patrol Division is under the command of the Chief of Patrol. The division is responsible for:

- Criminal investigations
- Traffic enforcement and collision investigations
- K-9
- Marine Unit
- Search and Rescue
- Training
- School Resource and Community Resource programs

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- KCSO emergency response coordination
- Field training program
- Reserve Deputy Program
- Cadet Program
- Bicycle Unit
- Crisis Intervention Team

### 200.3.2 DETECTIVE AND SUPPORT SERVICES DIVISION

The Detective Section is under the command of the Chief of Detectives and Support Services.

The section is responsible for:

- Criminal follow-up investigations
- Property and evidence handling
- Special Weapons and Tactics (SWAT) Team
- West Sound Narcotics Enforcement Team (WestNet)
- Special Investigations Unit
- Grants-research and development
- Sex Offender Registration Program
- Pre-employment background investigations
- Truth Verification program
- Crime scene investigations
- Crisis Negotiation Team
- Homeland Security

The Support Services Section is under the Command of the Chief of Detectives and Support Services. The section is responsible for:

- Civil functions
- Agency records
- Reception and Dispatch
- Agency facilities
- Equipment and quartermaster responsibilities
- Court Security Unit
- Employee Peer Support Program

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- Chaplain Program
- Awards / Recognition Committee

### **200.3.3 CORRECTIONS DIVISION**

The Corrections Division is under the command of the Chief of Corrections. The division is responsible for the maintenance and safe operation of the Kitsap County Jail and Work Release Facility and other related programs. These include:

- Electric home monitoring
- Alternative sentencing programs
- Food service management
- Road crew
- Prisoner transport
- Medical and mental health services
- Training
- Pre-employment background investigations

### **200.4 COMMAND PROTOCOL**

The chain of command describes the office's authority structure in routine circumstances. Division Chiefs' delegated authority is not confined to their respective divisions. Chiefs maintain authority over all employees and volunteers as may be necessary for the efficient administration of the office, however direct commands to personnel not assigned to their control should be avoided, except where necessary.

During emergencies, the chain of command structure may be temporarily modified.

When personnel from more than one division are engaged in a single operation, the following command protocol shall apply:

- The assigned division supervisor shall maintain command of operations until it is determined that the primary task responsibility should be transferred to another division.
- When an operation is transferred to another division, the new divisions shall assume command of the operation.
- The Division Chief, whose division has task responsibility, may assume command when present.

In some situations, the supervisor in command may temporarily grant command authority to employees with special skills or knowledge to resolve the situation. At any time, such authority may be rescinded. During unusual occurrence operations, authority over officers may be given to supervisory personnel of another agency. In these extreme cases, officers will be given prior notification, if possible.

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The office allocates and distributes personnel within all organizational units in accordance with the needs of the Kitsap County Sheriff's Office.

#### **200.4.1 ORDERS**

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

#### **200.4.2 CONFLICTING ORDERS**

Employees who are given an order, which is in conflict with a previous order, policy, or directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not correct the conflict, the conflicting order stands. The responsibility for the conflict lies with the supervisor. Employees who are compelled to follow a conflicting order shall not be held responsible for disobedience of the previous order, policy, or directive. Employees are not required to obey an order that they know would require them to commit any illegal act. If the legality of an order is in doubt, employees are to request the issuing supervisor to clarify the order or to confer with higher authority.

#### **200.4.3 SUCCESSION OF COMMAND**

The Sheriff exercises command over all personnel in the Sheriff's Office. During planned absences the Sheriff and the Undersheriff, a Division Chief will be assigned to serve as the acting Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Undersheriff
- (b) Chief of Patrol
- (c) Chief of Detective / Support Services
- (d) Chief of Corrections
- (e) Fully commissioned Lieutenant's by date of promotion

#### **200.4.4 UNITY OF COMMAND**

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### **200.5 SPAN OF CONTROL**

Each organizational component of the office is under the direct command of a supervisor.

Individual employees may be responsible for many different duties and job responsibilities in a given period; however employees are responsible to only one supervisor at a specific place and/or time.



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A job description of each agency position shall be on file in both the Kitsap County Personnel and Civil Service Offices. Supervisors of specialized units shall work with an employee's regularly assigned supervisor to ensure there are no conflicting orders or assignments. Multiple supervisors on the same shift shall work together to ensure there are no conflicting orders or assignments.

### **200.6 SUPERVISION AND RESPONSIBILITY**

Supervisors are responsible and accountable for the work performance of employees under their immediate and direct control. Although supervisors may delegate the actual performance of tasks, responsibility and accountability for the accomplishment of these tasks is not transferable.

Both civilian and commissioned supervisors share the responsibility for assuring that all employees:

- Live up to the agency mission and values statements
- Follow professional ethics rules
- Follow county rules and ordinances
- Observe agency rules of conduct

Supervisors who observe an employee, not under their direct control, whose behavior is in violation of any of these proceeding rules, should immediately intervene to stop the violation and provide corrective action. After doing so, supervisors should bring the violations to the attention of the employee's immediate supervisor.

Though commissioned supervisors provide direction to commissioned officers, and civilian supervisors provide direction to civilian employees, both supervisors are empowered to direct any combination of employees in administrative and planning activities.

The Kitsap County Sheriff's Office policy is to ensure that proper supervision is available for all shifts. The Kitsap County Sheriff's Office intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the office.

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. If no supervisor is available, a deputy/officer will be temporarily assigned to a supervisor role.

#### **200.6.1 EMPLOYEE RESPONSIBILITIES**

Employees and volunteers are empowered to make the decisions necessary for the effective execution of their responsibilities. Employees are delegated the authority to perform their duties by the Sheriff. Each employee is held accountable for his or her performance and the appropriate use of delegated authority.

Employees shall accept the responsibilities placed upon them. Officers are further held accountable to their commission and oath of office. Employees shall obey all laws of the United

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States and the State of Washington, Kitsap County Ordinances, and lawful orders issued by a supervisor or superior officer, including orders relayed from the supervisor.

## KCSO Directives

### 204.1 PURPOSE AND SCOPE

Kitsap County Sheriff's Office Directives establish an interoffice communication that may be used by the Executive Staff to make immediate changes to policy and procedure. KCSO Directives will immediately modify or change and supersede sections of this manual to which they pertain.

#### 204.1.1 OFFICE DIRECTIVE PROTOCOL

KCSO Directives will be incorporated into the manual as required upon approval. KCSO Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual. All KCSO Directives will have an effective date of implementation.

Any KCSO Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 09-01 signifies the first KCSO Directive for the year issued. All KCSO Directives will be kept in the Divisional Manual and distributed to affected personnel in accordance with Policy Manual §106.7 (Revisions to policies).

### 204.2 DIVISIONAL DIRECTIVES

Divisional Directives announce policies or procedures concerning a specific circumstance or specific segment of the agency. All Divisional Directives will have an effective date of implementation.

Division Chiefs may issue Divisional Directives for distribution within their command. The Directives shall be distributed to supervisors, who shall ensure subordinates are advised of their contents.

Any Divisional Directives issued shall be numbered consecutively starting with the last two digits of the year issued, followed by the number "01." For example, 09-01 signifies the first Divisional Directive for the year. All Divisional Directives will be distributed to affected personnel in accordance with Policy Manual §106.7 (Revisions to policies).

### 204.3 RESPONSIBILITIES

The responsibility for issuing Directives will be with the Sheriff, Undersheriff and Division Chiefs. The responsibility for reviewing and acknowledging Directives will be with each employee.

#### 204.3.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

#### 204.3.2 SHERIFF

The Sheriff or Undersheriff shall issue all Departmental Directives.

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### **204.4 ACCEPTANCE OF KCSO AND DIVISIONAL DIRECTIVES**

All employees are required to read and obtain any necessary clarification of all KCSO or Divisional Directives. All employees are required to acknowledge their receipt.

# Emergency Management Plan

## 206.1 PURPOSE AND SCOPE

Kitsap County has prepared a Comprehensive Emergency Management Plan Manual (CEMP) for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

The County Emergency Management Plan is written in accordance with the State of Washington's comprehensive emergency management plan and program, and has been approved for local use (RCW 38.52.070). This plan provides guidance for County emergency operations within and outside its borders.

### 206.1.1 KITSAP CODES

An emergency management organization has been established by County of Kitsap. This ordinance has been approved by the County Commissioners (WAC 118-30-050).

## 206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan may be activated by the Sheriff, the highest ranking official on-duty or a responder who is at the scene of a major emergency.

Upon activation of the plan, the Sheriff or the authorized designee should, if the need is anticipated, contact the State Emergency Operations Center to assist with a mutual aid response in which local, state and federal law enforcement agencies provide resources to this office. This notification can be accomplished by contacting the Kitsap County Department of Emergency Management.

### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Kitsap County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

Failure to respond to an order to report for duty may result in discipline.

## 206.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

The manual for the employees is available on the Kitsap County Department of Emergency Management Sharepoint site. All supervisors should familiarize themselves with the Comprehensive Emergency Management Plan and what roles Sheriff's Office personnel will play when the plan is implemented. KCSO should ensure that all personnel receive periodic training on the Emergency Management Plan.

The Administration Division Chief or the authorized designee shall ensure that all copies of the Emergency Management Plan manual are kept current and available to all personnel.

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### **206.4 BUILDING EVACUATION PLAN**

In the event of a disaster or emergency which requires evacuation of Sheriff's Office buildings, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees (WAC 296-24-567).

### **206.5 UPDATING OF MANUALS**

Any updates provided by DEM will be posted on DEM Sharepoint site. The Sheriff or the authorized designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) (WAC 118-30-060(7)).

### **206.6 TRAINING**

The Sheriff's Office should provide annual training in the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and the roles sheriff's personnel will play when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command staff discussion.

# Training Policy

## 208.1 PURPOSE AND SCOPE

It is the policy of this office to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

## 208.2 PHILOSOPHY

The Office seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Office will use courses certified by the Washington Criminal Justice Training Commission (CJTC).

## 208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.

## 208.4 TRAINING PLAN

A training plan for all employees will be developed and maintained by the Training Officer. It is the responsibility of the Training Officer to maintain, review, and update the training plan on an annual basis. The plan will ensure, at minimum, the following:

- (a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).
- (b) All sworn members will successfully complete an annual in-service training program on the office use of force and deadly force policies.
- (c) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.
- (d) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.
- (e) All sworn members will successfully complete the National Incident Management System (NIMS) introductory training course.

The plan will also address the following areas:

- Legislative Changes

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- State Mandated Training
- Critical Issues Training

### **208.5 TRAINING NEEDS ASSESSMENT**

The Training Unit will conduct an annual training-needs assessment of the Office or appropriate Divisions. The needs assessment will be reviewed by the Executive Staff. Upon approval by the Executive Staff, the needs assessment will form the basis for the training plan for the fiscal year.

### **208.6 TRAINING DOCUMENTATION**

Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the Kitsap County Sheriff's Office. Records should minimally include the following:

- An overview of the course content and/or an instructor lesson plan.
- Names and agency contact information of all attendees.
- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- Course completion roster.

### **208.7 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
  1. Court appearances
  2. Pre approved vacation
  3. Sick leave
  4. Physical limitations preventing the employee's participation.
  5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  1. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.
  2. Document his/her absence in a memorandum to his/her supervisor.
  3. Make arrangements through his/her supervisor and the Training Officer to attend an alternate date.



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### **208.8 TRAINING COMMITTEE**

The Training Officer shall establish a Training Committee, which will serve to assist with identifying training needs for the Office.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Officer may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Officer to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Officer. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Training Officer will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources.

### **208.9 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Kitsap County Sheriff's Office policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Officer.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Officer. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the

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DTB system can be accessed from any internet-active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

# Electronic Mail

## 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the KCSO and Kitsap County electronic e-mail system by employees of this office. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Washington Public Disclosure Act). Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

Only limited personal use of the e-mail system is allowed. See §Policy 341 and any applicable collective bargaining agreement for further information.

## 212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over Kitsap County networks are considered Sheriff's Office records and therefore are the property of the office. The Office reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its e-mail system or that is stored on any office system.

The e-mail system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the office's e-mail system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Office.

## 212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the e-mail system will not be tolerated and may result in discipline.

E-mail communications shall not be used for transmission of information that suggests any: personal political beliefs or political campaign activities or discrimination comments based on age, gender, race, religion, creed, color, sensory, mental or physical disability, national origin or sexual orientation.

E-mail messages addressed to the entire office or division are only to be used for official business related items that are of particular interest to all users and must be approved by a Lieutenant or above. A Lieutenant has the authority to send or authorize others to send such an email message.

Personal advertisements and unprofessional opinions are not acceptable.

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E-mail communications shall be professional in content. E-mail may be used as part of employee dissemination of information within the Sheriff's Office only concerning social and public service events with the Division Chief's approval, such as:

- Charity Fund Drives and blood drives
- Workgroup gatherings (group lunches, birthdays, receptions)
- Notifications that are used for communicating goodwill among employees (holiday greetings, congratulatory messages)

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password by others.

#### **212.4 MANAGEMENT OF E-MAIL**

The e-mail system is not designed for long-term retention of messages. Users of e-mail are solely responsible for the management of their mailboxes.

E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. Other email sent or received via the KitsapCounty email system may also be a public record in whole or in part. E-mail messages should be managed by their category in compliance with the current Records Management Guidelines and General Records Retention Schedules (Schedule Number L08 "Electronic Mail"). The Local Government General Records Retention Schedule (LGGRRS) and the Local Government Common Records Retention Schedule (CORE) are the controlling schedules for records retention and management (RCW Chapter 40.14).

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# Administrative Communications

## **214.1 PURPOSE AND SCOPE**

Administrative communications of this department are governed by the following policies.

## **214.2 ASSIGNMENT ORDERS**

Communications may be issued periodically by the Executive Staff or Divisional Lieutenants to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

## **214.3 INTEROFFICE SHERIFF'S OFFICE COMMUNICATIONS**

Personnel shall use the Interoffice Sheriff's Office Communications (IOC) form to communicate general agency information to employees or to provide instructions within the divisions to groups or individual employees. The original IOC shall be maintained by the originator according to the current retentions schedule.

## **214.4 OFFICIAL CORRESPONDENCE (USE OF LETTERHEAD)**

The Undersheriff and Division Chiefs may initiate, or respond to, correspondence with their own name and title. Other employees shall not send official office correspondence without prior approval from the Division Chief. This authorization may include correspondence covering the handling of routine business. Correspondence from employees below the rank of Chief will sign the correspondence with their name and rank below that of the Division Chief.

## **214.5 TRAINING BULLETINS**

Training Bulletins are issued by Division Chiefs or the training coordinator with the approval of the affected Division Chief. The Division Chiefs shall ensure that Training Bulletins do not conflict with office policy or labor agreements. Copies of Training Bulletins shall be issued by the Division Chiefs, and shall be forwarded to the training coordinator, the Office of Professional Standards, and all affected employees and volunteers. The Training Coordinator is responsible for an annual review of all Training Bulletins to ensure that they contain current information.

## **214.6 SURVEYS**

All surveys made, or responded to, in the name of the Kitsap County Sheriff's Office shall be authorized by the Sheriff or a Division Chief.

# Concealed Pistol License

## 217.1 PURPOSE AND SCOPE

The Sheriff is given the statutory responsibility to issue, monitor, and revoke a license to carry a concealed pistol to residents within the community (RCW 9.41.070). This policy will provide a written process for the application, issuance, and revocation of such licenses.

## 217.2 QUALIFIED APPLICANTS

All applicants for a concealed pistol license shall qualify to receive such a license unless the applicant is ineligible for a license or to possess a pistol under any of the following conditions (RCW 9.41.070):

- (a) The applicant is ineligible or is prohibited to possess a firearm under the provisions of RCW 9.41.040, RCW 9.41.045 or federal law.
- (b) The applicant's concealed pistol license is in a revoked status.
- (c) The applicant is under twenty-one years of age.
- (d) The applicant is subject to a court order or injunction regarding firearms.
- (e) The applicant is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense.
- (f) The applicant has an outstanding warrant for his/her arrest from any court of competent jurisdiction for a felony or misdemeanor.
- (g) The applicant has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his/her person.
- (h) The applicant has been convicted of a felony or is otherwise restricted from possessing a firearm unless the person has been granted relief from disabilities by the United States Attorney General under 18 USC § 925(c), or RCW 9.41.040(3) or (4) applies.

Non-immigrant aliens are not eligible for concealed pistol licenses. However, they may be eligible for an alien firearm license for the purposes of hunting and sport shooting, subject to certain eligibility requirements. Any non-immigrant alien who wishes to obtain an alien firearm license should be directed to apply to the sheriff in the county in which he/she resides (RCW 9.41.173).

## 217.3 APPLICATION PROCESS AND RENEWAL

The Sheriff has thirty days after the filing of an application of any person to issue a license to carry a concealed pistol. If the applicant does not have a valid permanent Washington driver license or identification card or has not been a resident of the state for the previous consecutive 90 days, the Sheriff has 60 days to issue a license. The Sheriff must accept completed applications for concealed pistol licenses during regular business hours (RCW 9.41.070).

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The Sheriff is required to check with the National Instant Criminal Background Check System, the Washington State Patrol electronic data base, the Department of Social and Health Services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies for a new concealed pistol license or to renew a concealed pistol license.

The license application shall bear the full name, residential address, telephone number and/or email address at the option of the applicant, date and place of birth, race, gender, physical description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the Department of Social and Health Services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

If the applicant is not a United States citizen, the applicant must provide his/her country of citizenship, United States issued alien number or admission number, and the basis for any exemptions from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.173 and provide proof of compliance (RCW 9.41.070).

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington State Patrol (RCW 9.41.070 (4)).

#### 217.3.1 REQUIRED WARNINGS

The license and application shall contain a warning substantially as follows:

"CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution."

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law (RCW 9.41.070). The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen.

#### 217.3.2 DOCUMENTATION AND FEES

The Sheriff shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed by the Department of Licensing for six years after the license has expired, been voided or revoked, or as otherwise provided in the office's established records retention schedule (RCW 9.41.070(4)).

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The nonrefundable fee for the original five-year license must be paid upon application. Additional charges imposed by the Federal Bureau of Investigation are payable by the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

A nonrefundable fee for the renewal of such license, or the replacement of lost or damaged licenses is required of the licensee. No other branch or unit of government may impose any additional charges on the licensee for the renewal of the license.

Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the Sheriff.

### **217.4 LICENSE RENEWAL**

A licensee may renew a license if the licensee applies for renewal within 90 days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty in addition to the renewal fee (RCW 9.41.070(9)).

An active duty member of the armed forces who is unable to renew his/her license within the prescribed time period because of assignment, reassignment or deployment for out-of-state military service may renew his/her license within 90 days after returning to Washington State. Verification for this concealed pistol license renewal exception is subject to the requirements of RCW 9.41.070(14).

### **217.5 TEMPORARY EMERGENCY LICENSE**

The Sheriff may issue a temporary emergency license for good cause to an applicant who resides within his/her jurisdiction pending review. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. The Sheriff shall assure temporary emergency licenses are easily distinguishable from regular licenses (RCW 9.41.070).

### **217.6 REVOCATION OF LICENSES**

The Sheriff shall revoke any license issued pursuant to this policy immediately upon (RCW 9.41.075(1)):

- (a) Discovery that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal.
- (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm.
- (c) Conviction of the licensee for a third violation of RCW Chapter 9.41 within five calendar years.
- (d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).



## *Concealed Pistol License*

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- (e) Upon notification from the Department of Licensing that the licensee has lost his/her right to possess a firearm as identified in RCW 9.41.047.

### **217.6.1 INELIGIBILITY**

Upon discovering a person issued a concealed pistol license was ineligible for the license, the Sheriff shall contact the Department of Licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, and if the person may not lawfully possess a pistol without a concealed pistol license, the Sheriff shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The Sheriff shall require the person to produce the evidence within fifteen days of the revocation of the license (RCW 9.41.075(2)).

### **217.6.2 FIREARM FORFEITURE**

When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)(d), the Sheriff shall (RCW 9.41.075(3)):

- (a) On the first forfeiture, revoke the license for one year.
- (b) On the second forfeiture, revoke the license for two years.
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

The Sheriff shall notify the Department of Licensing in writing of the revocation of a license.

### **217.7 RECIPROCITY**

The Sheriff will recognize the validity of a concealed pistol license issued from another state if the laws of that state recognize and give effect to a concealed pistol license issued under the laws of the State of Washington (RCW 9.41.073). A nonresident so licensed is authorized to carry a concealed pistol in this state if:

- (a) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age, and
- (b) The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license, and
- (c) The Sheriff will honor such a license only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

## *Concealed Pistol License*

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### **217.8 RESIDENCY**

The Sheriff may issue a license to an applicant if the applicant resides within this County. The Sheriff may issue a license to nonresident of the state in accordance with these procedures and state law.

### **217.9 CONFIDENTIAL RECORDS**

Mental health information received by the Sheriff pursuant to RCW 9.41.047, RCW 9.41.070, RCW 9.41.090 or RCW 9.41.173 is exempt from disclosure except as provided in RCW 42.56.240 (RCW 9.41.097). Disclosure of information otherwise obtained in the licensing process shall be limited as defined by RCW 42.56.240.

# Retiree Concealed Firearms

## 219.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance or denial of Kitsap County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C) and/or RCW 9.41.060.

For the purposes of this policy, the term deputy shall mean any deputy sheriff and/or corrections officer.

Identification cards issued are simply a statement of fact by this agency that the individual is a retired law enforcement officer.

Neither LEOSA nor RCW 9.41.060 provide an individual the authority to act as a law enforcement officer, but simply provide an authorization to carry a concealed firearm based on their status.

This office assumes no liability for the actions of someone with an identification card issued under this policy, as any act(s) taken by the individual are those of a private person and are not taken as an employee or former employee of this office.

## 219.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

## 219.3 LEOSA

The Sheriff should issue an identification card for LEOSA purposes to any qualified former deputy of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as a deputy.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

### 219.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card shall contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

If the Kitsap County Sheriff's Office qualifies the former deputy, the Department will provide the former deputy a separate certification form indicating the date the

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### *Retiree Concealed Firearms*

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former deputy was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a concealed firearm.

Firearms qualifications and/or testing shall be conducted as outlined in the Firearms Qualification section of this policy.

The authorized certification form is the form developed by the Washington Association of Sheriff's and Police Chiefs (WASPC).

#### **219.3.2 AUTHORIZATION**

Any qualified former law enforcement officer, including a former deputy of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - 1. An indication from the person's former law enforcement agency that he/she has, within the most recent 12-month period, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm; OR
  - 2. A certification issued by the state in which the person resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, not more than one (1) year before the date the person is carrying a concealed firearm, been tested or otherwise found to meet:
    - (a) the active duty standards for qualification in firearms training, as established by the state, or
    - (b) if not applicable, the standards of any law enforcement agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Washington law or by a private person or entity on his/her property if such prohibition is permitted by Washington law.

It is important to note that no background check is required for officers to exercise their privilege under LEOSA.

#### **219.4 WASHINGTON IDENTIFICATION CARD**

The Sheriff should issue an identification card to a retired deputy of this department for the purposes of carrying a concealed weapon within the State of Washington under RCW 9.41.060 who:

## *Retiree Concealed Firearms*

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- (a) Has retired from this department.
- (b) Did not retire because of a mental or stress-related disability.
- (c) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

If issued, the identification card must document all of the above qualifications (RCW 9.41.060).

RCW 9.41.060 grants retired officers from Washington the same privileges as if they held a Concealed Pistol License. This does not require any background check on the part of the law enforcement agency and is valid so long as the retired officer meets the restrictions placed upon the privilege.

There is no requirement for the retired officer from Washington to qualify in order to carry a firearm within the State of Washington only under RCW 9.41.060.

### **219.5 FIREARM QUALIFICATIONS**

The Rangemaster may provide former deputies from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

If this department provides the opportunity to qualify, the qualification shall include the firearms course and certificate that has been developed by the Washington Association of Sheriffs and Police Chiefs (RCW 36.28A.090) and can be found on the WASPC website.

## **Chapter 3 - General Operations**

# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. This policy does not apply to the KCSO Corrections Division. Corrections Officers should consult the Kitsap County Sheriff's Office Custody Manual use of force policy.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

## 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Kitsap County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

### 300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

## 300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

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The "reasonableness" of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

### **300.3.1 USE OF FORCE TO EFFECT AN ARREST**

A deputy may use all means reasonably necessary to effect an arrest if, after notice of the intention to arrest the person, he/she either flees or forcibly resists (RCW 10.31.050).

### **300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.



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- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed department-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the deputy.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

### 300.3.4 NECK RESTRAINT HOLDS (CAROTID CONTROL HOLDS / LVNR)

The Kitsap County Sheriff's Office recognizes that the proper application of the neck restraint hold may be effective in restraining a physically resistive, violent, or combative individual. However, due to the potential for injury, the use of the neck restraint hold is subject to the following:

(a) The officer shall have successfully completed Office-approved training in the use and application of the neck restraint hold, to include initial certification and yearly recertification.

(b) The neck restraint hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.

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2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

(c) The application of a neck restraint hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a neck restraint hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles
4. Individuals with obvious neck injuries
5. Individuals with Down's syndrome, or obvious physical abnormality of head or neck.

(d) Any individual who has had pressure applied to the neck from the neck restraint hold (LVNR level 2 or level 3), regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics/EMT or other qualified medical personnel and should be monitored until examined by paramedics/EMT or other appropriate medical personnel.

(e) Any individual who has been rendered unconscious with the neck restraint hold in addition to being examined by qualified medical personnel shall be observed continuously for 2 hours after application to ensure no complications result following neck restraint usage. This may be done at the jail by the arresting or transporting officer, prior acceptance by the jail. This monitoring period is not required if the person is admitted to a medical facility.

(f) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the neck restraint hold and whether the subject lost consciousness as a result.

(g) Any officer attempting or applying the neck restraint hold shall promptly notify a supervisor of the use or attempted use of such hold.

(h) The use or attempted use of the neck restraint hold shall be thoroughly documented by the officer in any related reports, including the use of force form prior to the end of shift. Documentation shall include:

1. Specific circumstances of use
2. Resistance by the suspect
3. Level of neck restraint applied
4. If/how quickly compliance was achieved
5. How compliance was indicated
6. Whether or not the person was rendered unconscious

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7. Any injuries to the Officer or subject
8. Name of medical personnel who examined subject, if applicable
9. Name of person observing subject for 2 hours, if applicable.

### **300.3.5 USE OF FORCE TO SEIZE EVIDENCE**

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Kitsap County Sheriff's Office for this specific purpose.

### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the deputy or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

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Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the Electro-muscular-disruption-technology-device (EMDT) or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

### **300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person

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following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

#### **300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, the supervisor may also consider separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.

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1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

### **300.7.1 SHIFT SERGEANT RESPONSIBILITY**

The Shift Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. The Shift Sergeant or Lieutenant reviewing the reports should evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

### **300.8 TRAINING**

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Sheriff should ensure the preparation of an analysis report on use of force incidents. The report may be prepared by the Office of Professional Standards and should be submitted to the Sheriff. The report should not contain the names of members suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

# Handcuffing and Restraints

## 305.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests. This policy does not apply to the KCSO Corrections Division. Corrections Officers should consult the Kitsap County Sheriff's Office Custody Manual for the handcuffing and restraint policy for inmates.

## 305.2 POLICY

The Kitsap County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

## 305.3 USE OF RESTRAINTS

Only members who have successfully completed Kitsap County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

### 305.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### 305.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

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No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury (RCW 70.48.500).

### **305.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

### **305.3.4 NOTIFICATIONS**

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

### **305.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

### **305.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS**

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide



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assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

### **305.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

### **305.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the office shall be used.

In determining whether to use the leg restraint, deputies should consider:

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

#### **305.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

## *Handcuffing and Restraints*

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- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

### **305.8 REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

# Control Devices and Techniques

## 307.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy. This policy does not apply to the KCSO Corrections Division. Corrections Officers should consult the Kitsap County Sheriff's Office Custody Manual for policy.

## 307.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Kitsap County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

## 307.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

## 307.4 RESPONSIBILITIES

### 307.4.1 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant or higher rank may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

### 307.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

### 307.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

## *Control Devices and Techniques*

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the appropriate supervisor for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### **307.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### **307.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Sergeant, Incident Commander or SWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

### **307.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

#### **307.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

#### **307.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

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Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy. When SWAT is activated and conducting a mission, SWAT will follow their own use of force reporting procedures.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

### **307.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **307.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

### **307.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **307.9.1 DEPLOYMENT AND USE**

Only office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

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- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### 307.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

### 307.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect

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the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

In instances where a shotgun is not specifically designated, absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

### **307.9.4 PROCEDURES FOLLOWING KINETIC ENERGY PROJECTILE DISCHARGE**

- (a) Persons who are struck, or claim to have been struck by kinetic energy projectiles will be provided medical attention as soon as practical.
- (b) Officer will collect expended casings and projectiles (if recovered) and place them in evidence.
- (c) Photograph any injuries.

### **307.10 TRAINING FOR CONTROL DEVICES**

The Training Officer shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary and/or at least every two years.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

### **307.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy. For SWAT applications, the SWAT unit will adhere to the SWAT use of force reporting procedures.

# Conducted Energy Device

## 308.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Electro-muscular-disruption-technology-device (EMDT)s. This policy does not apply to the KCSO Corrections Division. Corrections Officers should consult the Kitsap County Sheriff's Office Custody Manual Conducted Energy Device policy.

## 308.2 POLICY

The EMDT is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

## 308.3 ISSUANCE AND CARRYING EMDTS

Only members who have successfully completed office-approved training may be issued and carry the EMDT.

EMDTs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office's inventory.

Deputies shall only use the EMDT and cartridges that have been issued by the Office. Uniformed deputies who have been issued the EMDT shall wear the device in an approved holster on their person. Uniformed and non-uniformed deputies may secure the EMDT in the driver's compartment of their vehicle, or secured in a location and manner so that it is readily accessible at all times.

Members carrying the EMDT should perform a spark test on the unit prior to every shift.

When carried while in uniform deputies shall carry the EMDT in a weak-side holster on the side opposite the duty weapon.

- (a) All EMDTs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the EMDT.
- (c) Deputies shall be responsible for ensuring that their issued EMDT is properly maintained and in good working order.
- (d) Deputies should not hold both a firearm and the EMDT at the same time.

## 308.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the EMDT should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:



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- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the EMDT may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the EMDT. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the EMDT in the related report.

### **308.5 USE OF THE EMDT**

The EMDT has limitations and restrictions requiring consideration before its use. The EMDT should only be used when its operator can safely approach the subject within the operational range of the device. Although the EMDT is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

#### **308.5.1 APPLICATION OF THE EMDT**

The EMDT may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.

Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the EMDT to apprehend an individual.

#### **308.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the EMDT on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

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- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the EMDT in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

In certain situations, the application in a drive-stun mode may be used in applications in which pain compliance would reasonably appear necessary to achieve control of a physically resisting subject after other force options have been considered.

The EMDT shall not be used to psychologically torment, elicit statements or to punish any individual.

### 308.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the EMDT probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

### 308.5.4 MULTIPLE APPLICATIONS OF THE EMDT

Deputies should apply the EMDT for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the EMDT against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the EMDT appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the EMDT, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Deputies should generally not intentionally apply more than one EMDT at a time against a single subject.

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### **308.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Deputies shall notify a supervisor of all EMDT discharges. When practical, confetti tags, the expended cartridge and the wire should be collected submitted into evidence. The probes should be considered as "Sharps" and disposed of properly. In cases where the use of force results in a serious injury or death, a supervisor should be consulted about whether or not to retain the probes. The cartridge serial number should be noted and documented on the evidence paperwork.

### **308.5.6 DANGEROUS ANIMALS**

The EMDT may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### **308.5.7 OFF-DUTY CONSIDERATIONS**

Deputies are not authorized to carry department EMDTs while off-duty, unless acting in a law enforcement capacity. Any exceptions must be approved by a Division Chief in writing.

Deputies shall ensure that EMDTs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

## **308.6 DOCUMENTATION**

Deputies shall document all EMDT discharges in the related arrest/crime report and the KCSO Use of Force Report Form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

### **308.6.1 USE OF FORCE REPORT FORM REVIEW**

Items that shall be included in the EMDT report form are:

- (a) The type and brand of EMDT and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of EMDT activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the EMDT was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.

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- (k) Whether the subject sustained any injuries.
- (l) Whether any deputies sustained any injuries.

The OPS Supervisor in coordination with the Taser Instructors should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The OPS Supervisor should also conduct audits of data downloads and reconcile EMDT report forms with recorded activations. EMDT information and statistics, with identifying information removed, should periodically be made available to the public.

### **308.6.2 REPORTS**

The deputy should include the following in the arrest/crime report:

- (a) Identification of all personnel firing EMDTs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

### **308.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in such a procedure should remove EMDT probes from a person's body. Deputies shall not remove probes from areas that include the head, neck, groin or female breast area. Used EMDT probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

All persons who have been struck by EMDT probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The EMDT probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called excited delirium), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the EMDT.

### **308.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the EMDT may be used. A supervisor should respond to all incidents where the EMDT was activated if practicable.

A supervisor should review each incident where a person has been exposed to an activation of the EMDT. The device's onboard memory should be downloaded through the data port by a supervisor or Taser Instructor and attached/saved with the related use of force report. Photographs of probe sites should be taken and witnesses interviewed.

### **308.9 TRAINING**

Personnel who are authorized to carry the EMDT shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the EMDT as a part of their assignment for a period of twelve months or more shall be recertified by a department-approved EMDT instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued EMDTs should occur every two years. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Officer. All training and proficiency for EMDTs will be documented in the deputy's training file.

Command staff, supervisors and investigators should receive EMDT training as appropriate for the investigations they conduct and review.

Deputies who do not carry EMDTs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Officer is responsible for ensuring that all members who carry EMDTs have received initial and annual proficiency training. Periodic audits should be used for verification.

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Application of EMDTs during training could result in injury to personnel and should not be mandatory for certification.

The Training Officer should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing opposite-hand draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the EMDT and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the EMDT.

# Officer-Involved Shootings and Deaths

## 309.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of a deputy or corrections officer.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

## 309.1 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's action.
- An administrative investigation as to policy compliance by involved deputies/corrections officers.
- A civil investigation to determine potential liability.

## 309.2 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

### 309.2.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Kitsap County Sheriff's Office would control the investigation if the suspect's crime occurred in unincorporated Kitsap County.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

### 309.2.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's or corrections officer's conduct during the incident will be determined by the employing agency's protocol. When a deputy or

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corrections officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

### **309.2.3 ADMINISTRATIVE AND CIVIL INVESTIGATION**

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

### **309.3 INVESTIGATION PROCESS**

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

#### **309.3.1 UNINVOLVED DEPUTIES RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved KCSO deputy or corrections officer will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy or corrections officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

#### **309.3.2 SUPERVISOR RESPONSIBILITIES**

Upon arrival at the scene, the first uninvolved KCSO supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any KCSO deputy/corrections officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  1. Involved deputies/corrections officers should not be interviewed at the scene other than to gather public safety information, which should be limited to the following.
    - (a) What was your location when you fired?
    - (b) What direction did you fire?



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- (c) Do you know if anyone is injured?
    - i. If yes, what is their location?
  - (d) Are there any suspects not in custody?
    - i. What is their description?
    - ii. What is their direction of travel?
    - iii. How long have they been gone?
    - iv. What crime(s) are they wanted for?
    - v. What are they armed with?
  - (e) Are you aware of any witnesses?
- 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to a Lieutenant and Central Communications. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional KCSO members or other appropriate personnel until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  - 1. Each involved KCSO deputy/corrections officer should be given an administrative order not to discuss the incident with other involved officers or KCSO members pending further direction from a supervisor.
  - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon.

### 309.3.3 SHIFT SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved.

All outside inquiries about the incident shall be directed to the Incident Commander.

### 309.3.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable (If a corrections officer is involved, notification shall include the Corrections chain of command):

- Patrol Lieutenant (By responding Patrol Sergeant)
- Patrol Division Chief (By Patrol Lieutenant)
- Detective Lieutenant (By Patrol Lieutenant)
- Detective and Support Services Division Chief (By Detective Lieutenant)

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- Undersheriff (By Division Chief's)
- Sheriff (By Undersheriff)
- Outside agency investigators (if appropriate and by the Incident Commander)
- Office of Professional Standards (By Incident Commander)
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's bargaining representative
- Public Information Officer

#### 309.3.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  - 1. Requests from involved non-KCSO officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved KCSO deputy or corrections officer. A licensed psychotherapist may also be provided to any other affected KCSO members, upon request.
  - 1. Interviews with a licensed psychotherapist will be considered privileged.
  - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report, except when participating in a Critical Incident Stress Debrief. Any statements made by the involved officer during a Critical Incident Stress Debrief will be confidential for non-criminal information but may not be privileged for the purpose of a criminal investigation.
  - 3. A separate fitness-for-duty exam may also be required.
- (e) The Department will consider communications between qualified peer counselors and involved deputies or corrections officer to be privileged (RCW 5.60.060).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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Each involved KCSO deputy or corrections officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

### **309.4 CRIMINAL INVESTIGATION**

The Kitsap County Sheriff's Office Detective Division is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. The Sheriff may request an outside agency be the primary investigating agency for the criminal investigation. In that event, the department shall appoint an investigative liaison to any outside agency investigating a KCSO Deputy involved in a shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews in accordance with the collective bargaining agreement. The following shall be considered for the involved officer:

- (a) KCSO supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of KCSO personnel. This will not prohibit such personnel from monitoring interviews outside the presence of the deputy or corrections officer or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview in accordance with the collective bargaining agreement.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

#### **309.4.1 REPORTS BY INVOLVED KCSO DEPUTIES OR CORRECTIONS OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, involved KCSO deputies or corrections officers may provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved KCSO deputy or corrections officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate

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criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved KCSO deputy or corrections officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

### 309.4.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

### 309.4.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Chief and/or the Office of Professional Standards.

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### **309.5 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved KCSO deputies corrections officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Standards and will be considered a confidential administrative investigation file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any deputy or corrections officer involved in a shooting or death may be requested to provide a blood sample for alcohol/drug screening.
- (b) If any deputy or corrections officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy or corrections officer.
  - 1. If a further interview of the deputy or corrections officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy or corrections officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved deputy or corrections officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's or corrections officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the deputy or corrections officer shall have the opportunity to select up to two Guild representatives to be present during the interview. However, in order to maintain the integrity of each individual deputy's or corrections officer's statement, involved deputies or corrections officer shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - 3. The deputy/corrections officer may provide a written statement to the administrative investigator at the start of the interview, but this does not preclude the interview or any follow-up questions or interviews.
  - 4. Administrative interviews should be recorded by the investigator. The deputy or corrections officer may also record the interview.
  - 5. The deputy or corrections officer shall be informed of the nature of the investigation. If a deputy or corrections officer refuses to answer questions, he/

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she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The deputy or corrections officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

6. The Office of Professional Standards shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the appropriate Division Chief, who will restrict their findings as to whether there was compliance with the Use of Force Policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

### **309.6 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

### **309.7 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the Prosecuting Attorney Office, as appropriate.

### **309.8 DEBRIEFING**

Following an officer-involved shooting or death, the Kitsap County Sheriff's Office should conduct both a critical incident/stress debriefing and a tactical debriefing.

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### **309.8.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Support Services Lieutenant or the Peer Support Supervisor are responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatcher, other non-sworn and Peer Support Personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Office of Professional Standards personnel.

### **309.8.2 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

## **309.9 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Detective and Support Services Division Chief and Public Information Officer in the event of inquiries from the media.

No involved KCSO deputy or corrections officer shall make any comment to the media unless he/she is authorized by the Sheriff or a Division Chief.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

# Firearms

## 311.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

## 311.2 POLICY

The Kitsap County Sheriff's Office will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

The Sheriff or designee shall designate a Chair of the Weapons Board. The Chair of the Weapons Board shall designate a Rangemaster. The Weapons Board shall consist of members appointed by the Sheriff or designee.

## 311.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster or Department approved Firearms Instructor. No firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Chief. This exclusion does not apply to the carrying of folding pocketknives not otherwise prohibited by law.

### 311.3.1 HANDGUNS

Only Department issued or approved handguns and ammunition are authorized to be carried while on duty.

### 311.3.2 SHOTGUNS

Only Department issued shotguns and ammunition are authorized to be carried while on duty.

When not deployed, the shotgun shall be properly secured in a manner specified in section 311.5.1 with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.



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### 311.3.3 PATROL RIFLES

Only Department issued patrol rifles and ammunition are authorized to be carried while on duty.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a manner specified in section 311.5.1 with the chamber empty, the bolt forward with the dust cover closed, the trigger cocked, and the selector switch in the safe position. A fully loaded magazine should be either inserted in the magazine well, or readily available for loading.

### 311.3.4 PERSONALLY OWNED DUTY FIREARMS

It is the intention of the Office that all members carry department handguns as their primary duty weapon while on duty. Members requesting to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster or Department approved Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Weapons Board Chair who will maintain a list of the information.

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- (e) If the personally owned firearm is seized for evidentiary purposes, the Office is not responsible for the replacement of the firearm and will provide a department owned firearm.

### 311.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster or Department approved Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Sheriff or the authorized designee shall approve the type of ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Weapons Board Chair who will maintain a list of the information.
- (i) If the personally owned firearm is seized for evidentiary purposes, the Office is not responsible for the replacement of the firearm and will provide a department owned firearm.

### 311.3.6 AUTHORIZED OFF-DUTY FIREARMS

This section only applies to members when they are carrying a firearm, off-duty, and under their authority as a peace officer as defined in RCW 10.93.020. The carrying of agency-issued firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms or Authorized Secondary Handguns requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

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- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster or Department approved Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster or Department approved Firearms Instructor.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster or Department approved Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster or Department approved Firearms Instructor, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, deputies shall carry their Kitsap County Sheriff's Office commission cards under circumstances requiring possession of such identification.

### 311.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

### 311.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

#### 311.4.1 REPAIRS, MODIFICATIONS AND ACCESSORIES

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or an Office approved armorer.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Weapons Board Chair.

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Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Weapons Board Chair. The Weapons Board Chair shall maintain accurate records of all repairs of personally owned firearms.

### **311.4.2 HOLSTERS**

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Holsters for personally owned firearms shall be purchased, maintained, and repaired at the member's expense and meet all required security and retention standards set by the department.

### **311.4.3 TACTICAL LIGHTS**

Only Deputies assigned to SWAT and K-9 are authorized to install Tactical Lights on their duty handguns.

### **311.4.4 OPTICS AND LASER SIGHTS**

Optics may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Weapons Board Chair. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. The Weapons Board Chair shall maintain a list of all approved and installed optics.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

Laser sights are only authorized for SWAT members.

## **311.5 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster or Department approved Firearms Instructor. Members shall not dry fire or practice quick draws except under Rangemaster or Department approved Firearms Instructor supervision.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded outside of the vehicle, using clearing barrels, when available.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons

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from outside agencies are responsible for ensuring firearms are not brought into the jail section.

- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster or Department approved Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster or Department approved Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

### 311.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles should be inspected periodically by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels. Shotguns and rifles shall be stored in a locked gun mount if equipped. If not equipped with a locking gun mount, rifles and shotguns shall be stored in a protective case and in a locked trunk in a sedan vehicle or mounted locked case in the cargo area of the Patrol Utility Vehicle.

### 311.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

### 311.5.3 ALCOHOL AND DRUGS

The carrying of firearms off-duty is prohibited when consumption of alcohol by the member is anticipated. Firearms shall not be carried by any member, either on or off duty, who has consumed an amount of alcoholic beverage, taken any drugs or medication, or had taken any combination thereof that adversely affects the member's senses or judgment.

## 311.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who are authorized to carry a firearm while on duty are required to qualify annually with their duty firearms, department approved off-duty and secondary firearms. In addition members shall successfully complete additional training as required by the Department.

Training and qualifications must be done on a department approved range and or other similar in type training facility approved by the Weapons Board Chair.

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### 311.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, the Rangemaster shall submit a memorandum to the member's immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up.
  - 2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

### 311.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

### 311.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, EMDT, oleoresin capicum (OC) spray, animal control

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officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

### **311.7.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

### **311.7.3 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

## **311.8 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster or his/her designee. All members attending will follow the directions of the Rangemaster or his/her designee. The Rangemaster will ensure the maintenance of a roster of all members attending the range and will submit the roster to the Training Officer after each range date. Failure of any deputy to sign in and out with the Rangemaster or his/her designee may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster has the responsibility of ensuring periodic inspections, at least once a year, of all duty weapons carried by deputies of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Weapons Board Chair

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Officer documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should provide accurate records of all training shoots and qualifications to the Training Officer.

## **311.9 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to members who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

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- (a) Members wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Members must carry their Kitsap County Sheriff's Office identification card, bearing the member's name, a full-face photograph, the member's signature and the signature of the Sheriff or the official seal of the Department and must present this identification to airline officials when requested. The member should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Kitsap County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the member's travel. If approved, TSA will send the Kitsap County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The member must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the member. The letter should outline the member's need to fly armed, detail his/her itinerary, and include that the member has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Members must have completed the mandated TSA security training covering members flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the member's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any member flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The member must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Members should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Members shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **311.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time members of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The member shall carry his/her Kitsap County Sheriff's Office identification card whenever carrying such firearm.
- (b) The member is not the subject of any current disciplinary action.



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- (c) The carrying of firearms off-duty is prohibited when consumption of alcohol by the member is anticipated. Firearms shall not be carried by any member, either on or off duty, who has consumed an amount of alcoholic beverage, taken any drugs or medication, or had taken any combination thereof that would tend to adversely affect the member's senses or judgment.
- (d) The member will remain subject to this and all other department policies (including qualifying and training).

Members are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a member from arrest and prosecution in such locally restricted areas.

Active permits from other states are subject to all requirements set forth in 18 USC § 926B.

Refer to the "Retiree Concealed Firearms" policy for additional information.

# Vehicle Pursuits

## 313.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public and fleeing suspects (RCW 43.101.226(3)).

### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

**Ramming** - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

**Roadblocks** - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Tire deflation device** - A device designed to puncture the tires of the pursued vehicle.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to a deputy's emergency signal to stop.

## 313.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

## 313.3 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized sheriff's department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law.

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Deputies shall drive with due regard for the safety of all persons and property. However, deputies may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (RCW 46.61.035):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing parking, direction of movement or turning in specified directions.

#### 313.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked sheriff's department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

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- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

### **313.3.2 WHEN TO TERMINATE A PURSUIT**

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, deputies will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public or the deputies, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

### **313.4 PURSUIT VEHICLES**

When involved in a pursuit, unmarked sheriff's department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

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Vehicle pursuits should be limited to three sheriff's department emergency vehicles. However, the number of vehicles involved will vary with the circumstances.

A deputy or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the number of suspects. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

### 313.4.1 MOTORCYCLES

When involved in a pursuit, sheriff's department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

### 313.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those deputies should discontinue such support immediately upon arrival of a sufficient number of authorized emergency sheriff's department vehicles or any air support.

### 313.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing deputy should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a secondary pursuing deputy, the deputy in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably

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indicate otherwise, the primary pursuing deputy should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a deputy in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

### **313.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES**

The second deputy in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing deputy is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

### **313.5 PURSUIT DRIVING**

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for deputies who are involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available deputies not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing deputies should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, deputies should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Request assistance from available air support.
  - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
  - 3. Request other deputies to observe exits available to the suspect.

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- (d) Notify the Washington State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing deputy and with a clear understanding of the maneuver process between the involved deputies.

### **313.5.1 PURSUIT TRAILING**

In the event that initial pursuing deputies relinquish control of the pursuit to another agency, the initial deputies may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

### **313.5.2 AIR SUPPORT ASSISTANCE**

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide deputies and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If deputies on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

### **313.5.3 DEPUTIES NOT INVOLVED IN THE PURSUIT**

Deputies who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those deputies should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the sheriff's department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

The primary pursuit vehicle and two supporting pursuit vehicles should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other deputies are assigned to the pursuit.

## **313.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this department. Upon becoming aware that a pursuit has been initiated,

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the Shift Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Sergeant will be responsible for:

- (a) Immediately notifying involved deputies and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Exercising management and control of the pursuit even if not engaged in it.
- (c) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (d) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (e) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (f) Ensuring that the proper radio channel is being used.
- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (h) Controlling and managing Kitsap County Sheriff's Office deputies when a pursuit enters another jurisdiction.
- (i) Ensuring proper documentation of the pursuit as required.

### **313.7 CENTRAL COMMUNICATIONS**

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved deputies should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

### **313.8 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the involved deputies should broadcast pertinent information to assist other deputies in locating the vehicle. The primary pursuing deputy or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.



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### **313.9 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary pursuing deputy or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

#### **313.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Kitsap County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of deputies at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

#### **313.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Deputies from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a deputy from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Kitsap County Sheriff's Office, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing deputies.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.

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- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Shift Sergeant should review a request for assistance from another agency. The Shift Sergeant or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by deputies of this department will conclude at the County limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, deputies shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

### **313.10 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

#### **313.10.1 WHEN USE IS AUTHORIZED**

In deciding whether to use intervention tactics, deputies/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

#### **313.10.2 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### **313.10.3 INTERVENTION STANDARDS**

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the

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potential risks involved, this intervention tactic should only be employed by properly trained deputies and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, deputies or others.
  2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
  3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
  4. The suspect vehicle is stopped or traveling at a low speed.
  5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained deputies and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle. The use of the PIT over 40mph requires supervisor approval.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputies' disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
  2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle. Deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing deputies and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle.
  2. Provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
  3. Takes into account the limitations of such devices as well as the potential risk to deputies, the public and occupants of the pursued vehicle.

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4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or the public.

### **313.11 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspect following the pursuit. Deputies should consider the safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspect.

### **313.12 REPORTING REQUIREMENTS**

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing deputy shall complete appropriate crime/arrest reports.
- (b) The primary pursuing deputy shall complete the appropriate Pursuit Worksheet to be reviewed by the supervisor who controlled, supervised, or monitored the pursuit.
- (c) The appropriate pursuit report should include, at a minimum:
  1. Date and time of the pursuit.
  2. Initial reason and circumstances surrounding the pursuit.
  3. Length of pursuit in distance and time.
  4. Involved vehicles and deputies.
  5. Alleged offenses.
  6. Whether a suspect was apprehended
  7. Any injuries and/or medical treatment.
  8. Any property or equipment damage.
  9. The means or methods used to stop the pursued vehicle.
  10. How the pursuit was terminated.

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11. Name of supervisor who controlled, monitored, or supervised the incident.
  12. A preliminary determination by the supervisor that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports and other pertinent information, the supervisor shall promptly review and forward all reports to the Division Lieutenant. Copies of reports and Pursuit Worksheets shall also be forwarded to the Office of Professional Standards.

### **313.13 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all deputies will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

### **313.14 VEHICLE PURSUIT ANALYSIS**

At least annually, the Sheriff should ensure the preparation of an analysis report on Vehicle Pursuit incidents. The report may be prepared by the Office of Professional Standards and should be submitted to the Sheriff. The report should not contain the names of members suspects or case numbers, and should include:

- (a) The identification of any trends.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

# Deputy Response to Calls

## 315.1 PURPOSE AND SCOPE

This policy provides deputies with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

## 315.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

## 315.3 RESPONSE TO CALLS

Deputies responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

### 315.3.1 EMERGENCY CALLS

Deputies responding to an emergency call should proceed immediately as appropriate and should operate the emergency vehicle lighting and siren as required by law (RCW 46.61.035).

Deputies should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage, or recent or in-progress serious crime
- (c) When immediate assistance is requested by a deputy or other law enforcement agency.

If a deputy believes an emergency response to a call is appropriate, the deputy should immediately notify the dispatcher. Deputies not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

## 315.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons

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- Reason for the request and type of emergency
- The number of deputies or resources required
- Hazards and any known or potential dangers for responding deputies

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher.

### **315.5 SAFETY CONSIDERATIONS**

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the deputy may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (RCW 46.61.035):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing parking, direction of movement or turning in specified directions.

#### **315.5.1 NUMBER OF DEPUTIES ASSIGNED**

The number of deputies assigned to respond to an emergency call or request for assistance should be limited to that which is reasonably necessary.

### **315.6 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those deputies should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency response and continue accordingly. The deputy shall notify the Shift Sergeant, field supervisor or the dispatcher of the equipment failure so that another deputy may be assigned to the emergency response.

### **315.7 DEPUTY RESPONSIBILITIES**

The decision to initiate or continue an emergency response is at the discretion of the deputy. If, in the deputy's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the deputy should immediately notify the dispatcher. A deputy shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

## *Deputy Response to Calls*

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Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, a deputy shall immediately give the location from which he/she is responding.

The first deputy arriving at the emergency call should determine whether to increase or reduce the level of the response of additional deputies and shall notify the dispatcher of his/her determination. Any subsequent change in the appropriate response level should be communicated to the dispatcher by the deputy in charge of the scene unless a supervisor assumes this responsibility.

### **315.8 SUPERVISOR RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated or requested, the Shift Sergeant or the field supervisor should verify that:

- (a) The proper response has been initiated.
- (b) No more than those deputies reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practical.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing deputies into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional deputies to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Sergeant or the field supervisor should consider:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic and road conditions.
- The location of the responding deputies and the location of the incident.



# Canines

## 317.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals, evidence and apprehending criminal offenders.

## 317.2 POLICY

It is the policy of the Kitsap County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

## 317.3 ASSIGNMENT

Canine teams should be assigned to supplement Patrol function primarily in assist or cover assignments. However, they may be assigned by the Shift Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Shift Sergeant.

## 317.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol division or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining liaison with the vendor kennel.
- (c) Maintaining liaison with command staff and functional supervisors.
- (d) Maintaining liaison with other agency canine coordinators.
- (e) Maintaining and storing accurate training, certification and deployment records for the service life of each canine, plus three years.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

## Canines

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### **317.5 REQUESTS FOR CANINE TEAMS**

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Shift Sergeant.

#### **317.5.1 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the Shift Sergeant and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) The requesting agency shall retain the right to terminate a deployment of a canine team at any time and for any reason. The handler will abide by the requesting agencies decision to terminate a deployment.
- (d) It shall be the responsibility of the canine handler to coordinate operations with other agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

#### **317.5.2 PUBLIC DEMONSTRATIONS**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

### **317.6 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputies or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

## Canines

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Absent a reasonable belief that a suspect has committed, is committing or threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Sergeant after consultation with the canine handler. Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable. If the canine has apprehended the suspect with a secure bite, the handler should promptly command the canine to release the suspect once it has been determined that the suspect no longer poses an imminent threat to the deputies or the public.

### 317.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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### **317.6.2 WARNINGS AND ANNOUNCEMENTS**

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard and document the announcement within their report. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

### **317.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES**

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use of force report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be documented in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use of force report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

### **317.7 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

- (a) Absent a change in circumstances that present an immediate threat to deputies, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

### 317.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

### 317.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

### 317.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

## 317.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

## Canines

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- (a) A deputy who has served a minimum of three years with the Kitsap County Sheriff's Office.
- (b) Residing in an adequately fenced, or kennel run equipped single-family residence (minimum 5-foot high fence with locking gates).
- (c) Living within 30 minutes travel time from the Kitsap County limits.
- (d) Agreeing to be assigned to the position for a minimum of three years.

### **317.9 HANDLER RESPONSIBILITIES**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler should maintain the canine vehicle in a location that provides adequate security (driveway, garage).
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Kitsap County Sheriff's Office facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods while under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Sergeant.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Sergeant.
- (k) When off-duty the handler should minimize exposure of the canine to the general public.

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- (l) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.
- (m) When on vacation the handler will not take his assigned canine out of the area without approval of the canine coordinator.

### **317.9.1 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains in a habitable condition for the canine.

### **317.10 HANDLER COMPENSATION**

The canine handler should be available for call-out under conditions specified by the canine coordinator. Repeated incidents of being unavailable for call-outs could result in removal from the program.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

### **317.11 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Sergeant as soon as practicable and appropriately documented within an administrative IOC.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained at the designated veterinarian's facility.

### **317.12 TRAINING AND CERTIFICATION**

Before assignment in the field, each canine team shall be trained and certified to meet current Criminal Justice Training Commission (CJTC) standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current CJTC standards (WAC 139-05-915).

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

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All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Sergeant.

### 317.12.1 CONTINUED TRAINING

Each canine team shall be recertified to current CJTC standards. A canine team's certification will automatically expire if the handler and canine originally paired at the time of certification are no longer working together, or if the function for which the team was certified changes (WAC 139-05-915). Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Kitsap County Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

### 317.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

### 317.12.3 TRAINING RECORDS

A record for each canine that includes training, performance and identification records, and that meets CJTC requirements, shall be created and maintained in the canine handler's and the canine's training file.

### 317.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Kitsap County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

### 317.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws. (21 USC § 823(f); RCW 69.50.302; RCW 69.50.508; WAC 246-887-200).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Kitsap County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).



## Canines

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These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

### 317.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Unit or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

### 317.12.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; RCW 70.74.191(4)).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.

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### *Canines*

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- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

# Domestic Violence

## 319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

### 319.1.1 DEFINITIONS

Definitions related to this policy include:

**"Domestic violence"** includes but is not limited to any of the following crimes when committed by one family or household member against another and does not include verbal disputes where no crime has been alleged:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);

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(n) Malicious mischief in the third degree (RCW 9A.48.090);

(o) Kidnapping in the first degree (RCW 9A.40.020);

(p) Kidnapping in the second degree (RCW 9A.40.030);

(q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);

(s) Rape in the first degree (RCW 9A.44.040);

(t) Rape in the second degree (RCW 9A.44.050);

(u) Residential burglary (RCW 9A.52.025);

(v) Stalking (RCW 9A.46.110); and

(w) Interference with the reporting of domestic violence (RCW 9A.36.150).

**"Family or household members"** means: spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

### **319.2 POLICY**

The Kitsap County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

## *Domestic Violence*

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### **319.3 OFFICER SAFETY**

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

### **319.4 INVESTIGATIONS**

The following guidelines should be followed by deputies when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Division in the event that the injuries later become visible.
- (e) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (f) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (g) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (h) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

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- (i) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the abuse occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.
  - 9. Location of the incident (public/private).
  - 10. Speculation that the complainant may not follow through with the prosecution.
  - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.
- (j) Unless doing so would jeopardize the criminal investigation, the victim should be apprised of investigative plans such as when the suspect or witnesses are going to be interviewed and any plans for making an arrest.

### 319.4.1 HOSPITALIZED VICTIM

When responding to a medical facility regarding an injured person, deputies should make a reasonable attempt to determine whether the injury was a result of domestic violence prior to contacting the victim or person who reported the incident.

If domestic violence is suspected, contact should be made with the medical facility representatives out of the view and hearing of the victim and any potential suspects when practical.

### 319.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim with a Domestic Violence information handout.
- (c) Advise the victim that there may be additional information available of the Sheriff's Office webpage, including links to "VINE: Victim Information and Notification Everyday" which is a service that will notify them when the offender is released from jail.
- (d) Advise the victim whether any type of court order will be in effect when the suspect is released from jail, if known.

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### **319.4.3 IF NO ARREST IS MADE**

If no arrest is made, the deputy should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

### **319.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Deputies should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

### **319.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Deputies are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### **319.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC

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§ 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

### **319.8 VERIFICATION AND SERVICE OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

### **319.9 STANDARDS FOR ARRESTS**

Deputies investigating a domestic violence report should consider the following:

- (a) The primary duty of deputies when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(5)).
- (b) When a deputy responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(6)(a).
- (c) When a deputy has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the deputy shall make a physical arrest (RCW 10.99.055; RCW 10.31.100(2)). Whenever a member of this office serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).



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### **319.10 REPORTS AND RECORDS**

- (a) Deputies responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(6)(b)).
- (b) All such reports should be documented under the appropriate crime classification and should use the distinction "Domestic Violence" in the Type of Crime box of the crime report form (RCW 10.99.030(11)).
- (c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Support Services Supervisor shall ensure that all domestic violence crime reports are forwarded to the County Prosecutor's Office within 10 days of the date the incident was reported (RCW 10.99.030(9)).
- (d) The Support Services Supervisor shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs (WASPC), in accordance with state law (RCW 10.99.030(12)).
- (e) In all cases where there is probable cause to believe that a Domestic Violence crime has been committed, the Deputy shall complete a Domestic Violence Supplemental Report containing a "Smith Affidavit".

### **319.11 COURT ORDERS**

The Support Services Supervisor shall ensure that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order (RCW 10.99.040; RCW 10.99.050).

# Search and Seizure

## 321.1 PURPOSE AND SCOPE

The federal Constitution provides every individual with the right to be free from unreasonable searches and seizures, and the Washington Constitution prohibits searches without authority of law. This policy provides general guidelines for Kitsap County Sheriff's Office personnel to consider when dealing with search and seizure issues.

This policy also provides guidance regarding searches of individuals in custody that occur outside of the Kitsap County Jail. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Kitsap County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public. Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody. This policy does not apply to the KCSO Corrections Division. Corrections Officers should consult the Kitsap County Sheriff's Office Custody Manual search policy.

## 321.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

No strip searches or physical body cavity searches shall be performed outside the Kitsap County Sheriff's Office Corrections Facility. Any strip search or physical body cavity search shall be in accordance with the Custody Manual Searches Policy

Searches shall not be used for intimidation, harassment, punishment or retaliation.

The Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

## 321.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests

## *Search and Seizure*

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- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

### **321.3.1 RESTRICTIONS ON CELL SITE SIMULATOR USE**

A member may only install or use a pen register, trap and trace device or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be applied for within 48 hours after installation of the pen register, trap and trace device or cell site stimulator device when an emergency situation exists (RCW 9.73.260).

### **321.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) A deputy shall conduct a search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.
- (d) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (e) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (f) When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
  1. Another deputy or a supervisor should witness the search. A search done on camera at the jail entrance is considered witnessed.

## *Search and Seizure*

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2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

### **321.5 DOCUMENTATION**

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

For consent searches, whenever feasible, have the person sign the KCSO written consent form pursuant to obtaining their valid consent.

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

## Temporary Custody of Juveniles

### 323.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Kitsap County Sheriff's Office (34 USC § 11133).

#### 323.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection, or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

**Juvenile offender** - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or a juvenile who has violated RCW 9.41.040(2)(a) by possessing a handgun (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

## *Temporary Custody of Juveniles*

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**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

### **323.2 POLICY**

The Kitsap County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Kitsap County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### **323.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Kitsap County Sheriff's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Kitsap County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

### **323.4 ADVISEMENTS**

When a juvenile offender is taken into custody, the deputy should, as soon as practicable, notify the juvenile's parent, guardian or a responsible relative that the juvenile is in custody.

### **323.5 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

## *Temporary Custody of Juveniles*

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In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Kitsap County Sheriff's Office shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

### **323.6 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Kitsap County Sheriff's Office shall ensure the following:

- (a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Kitsap County Sheriff's Office more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Kitsap County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

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- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

### **323.7 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Kitsap County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

### **323.8 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Kitsap County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Kitsap County Sheriff's Office.

### **323.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

The Shift Sergeant will ensure procedures are followed to address the suicide attempt, death or serious injury of any juvenile held at the Kitsap County Sheriff's Office. The procedures include:

- (a) Immediate notification of the on-duty supervisor, Sheriff and Detective Division supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the Prosecutor's Office.
- (d) Evidence preservation.

### **323.10 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

### **323.11 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

A juvenile offender may be photographed and fingerprinted as provided by RCW 43.43.735.



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### **323.12 RELEASE OF INFORMATION CONCERNING JUVENILES**

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Deputies of this office shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

#### **323.12.1 RELEASE OF INFORMATION PURSUANT TO WASHINGTON LAW**

Juvenile records are confidential and may be released only as provided in RCW 13.50.010 and RCW 13.50.050:

- (a) Information may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participant, or when that other participant is assigned the responsibility for supervising the juvenile.
- (b) Information not in the juvenile court file that could not reasonably be expected to identify the juvenile or the juvenile's family may be released.
- (c) Following the decision to arrest, information about an investigation, diversion or prosecution of a juvenile, including an incident report, may be released to the school in which the juvenile is enrolled to assist in protecting other students, staff and school property.
- (d) Information about a juvenile offender, the offender's parent or guardian and the circumstances of the crime may be released to the victim or the victim's immediate family.
- (e) Information identifying child victims of sexual assault committed by juvenile offenders may be released only with the permission of the child victim or legal guardian.
- (f) A court may permit certain juvenile records to be released by rule or order.

It shall be the responsibility of the Support Services Supervisor and the appropriate Detective Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

# Adult Abuse

## 325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Kitsap County Sheriff's Office members as required by law.

### 325.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

## 325.2 POLICY

The Kitsap County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law and in accordance with the Kitsap County Special Assault Investigation Protocol. [See attachment: SAU Protocol including Vulnerable Adults and HT final revised 3-13-13.pdf](#)

## 325.3 MANDATORY NOTIFICATION

Members of the Kitsap County Sheriff's Office shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The medical examiner or coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect or abandonment by another person (RCW 74.34.035).

For purposes of notification (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter or health care.
- Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.
- A vulnerable adult is a person who is:
  - (a) 60 years or older who has the functional, mental or physical inability to care for himself/herself.
  - (b) Is found by the superior court to be incapacitated under RCW 11.88.005 et seq.
  - (c) Has a developmental disability as defined under RCW 71A.10.020.

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- (d) Is admitted to any facility as defined in RCW 74.34.020 (assisted living facility, nursing home or other facility licensed by DSHS).
- (e) Is receiving services from an individual provider or licensed home health, hospice or home care agency.
- (f) Self-directs his/her own care and receives services from a personal aide under RCW 74.39.001 et seq.

### **325.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (RCW 74.34.035):

- (a) All notification to DSHS shall be made immediately or as soon as practicable by telephone
- (b) Information provided shall include, if known:
  - 1. The name and address of the person making the report.
  - 2. The name and address of the vulnerable adult.
  - 3. The name and address of the facility or agency providing care for the vulnerable adult.
  - 4. The name and address of the legal guardian or alternate decision maker.
  - 5. The nature and extent of the abandonment, abuse, financial exploitation, neglect or self-neglect.
  - 6. Any history of previous abandonment, abuse, financial exploitation, neglect or self-neglect.
  - 7. The identity of the alleged perpetrator, if known.
  - 8. Any other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect or the cause of death of the deceased vulnerable adult.

### **325.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

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### **325.5 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may have been committed, the County prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

### **325.6 PROTECTIVE CUSTODY**

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger

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the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to DSHS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

### **325.7 INTERVIEWS**

#### **325.7.1 PRELIMINARY INTERVIEWS**

Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation.

#### **325.7.2 DETAINING VICTIMS FOR INTERVIEWS**

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

### **325.8 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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### **325.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

#### **325.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Detective Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

#### **325.9.2 DEPUTY RESPONSIBILITIES**

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate.
- (b) Notify the Detective Division supervisor so an interagency response can begin.

### **325.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

#### **325.10.1 RECORDS DIVISION RESPONSIBILITIES**

The Records Division is responsible for:

- (a) Providing a copy of the adult abuse report to DSHS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

#### **325.10.2 RELEASE OF REPORTS**

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

#### **325.10.3 ARREST WITHOUT WARRANT**

When a deputy has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.50.110).

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### **325.11 TRAINING**

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

## Discriminatory Harassment

### 327.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

### 327.2 POLICY

The Kitsap County Sheriff's Office adopts and incorporates the Kitsap County Policy Prohibiting Discrimination and Harassment attached to this policy manual. [See attachment: Kitsap County Policy Prohibiting Discrimination and Harassment.pdf](#)

In addition to the section of this policy titled "Notification of Appropriate Staff", any member may report any discriminatory and/or harassing behavior to the Office of Professional Standards of the Kitsap County Sheriff's Office.



# Child Abuse

## 329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Kitsap County Sheriff's Office members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

### 329.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

## 329.2 POLICY

The Kitsap County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

## 329.3 MANDATORY NOTIFICATION

Members of the Kitsap County Sheriff's Office shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, or injury inflicted by any person under circumstances that cause harm to the child's health, welfare or safety, excluding lawful discipline, or the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

Deputies shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling or half-sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, a deputy discovers that a child is present at the investigation site, the deputy shall notify CPS immediately (RCW 26.44.200).

### 329.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

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- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
- (c) Notification, when possible, should include (RCW 26.44.040):
  - 1. The name, address and age of the child.
  - 2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
  - 3. The nature and extent of the alleged injury or injuries.
  - 4. The nature and extent of the alleged neglect.
  - 5. The nature and extent of the alleged sexual abuse.
  - 6. Any evidence of previous injuries, including the nature and extent of the injury.
  - 7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.
- (d) The Office shall forward all case dispositions to CPS.

### **329.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.).

### **329.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

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- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Applicable local protocol regarding child abuse investigations (RCW 26.44.180 et seq.). [See attachment: SAU Protocol including Vulnerable Adults and HT final revised 3-13-13.pdf](#)

In all cases of the unexplained death of a child the Detective Division should be notified and the case should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

### **329.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

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Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

### **329.6.1 SAFE HAVEN LAW**

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

### **329.7 INTERVIEWS**

All victim and witness interviews shall be conducted as specified in the Kitsap County Special Assault Investigation Protocol.

#### **329.7.1 PRELIMINARY INTERVIEWS**

Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### **329.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

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### **329.7.3 TRAINING REQUIREMENT**

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

### **329.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

### **329.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

#### **329.9.1 SUPERVISOR RESPONSIBILITIES**

The Detective Division Supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Detective Division Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

#### **329.9.2 DEPUTY RESPONSIBILITIES**

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Division Supervisor so an interagency response can begin.

### **329.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

#### **329.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

#### **329.10.2 ARREST WITHOUT WARRANT**

When a deputy responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the deputy responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

#### **329.10.3 CASE SUBMISSION TO PROSECUTOR**

The Kitsap County Sheriff's Office shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.
- (c) A child has been subjected to alleged sexual abuse.

#### **329.10.4 AGENCY COORDINATION**

If this office responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this office shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

#### **329.10.5 LOCAL CHILD ABUSE PROTOCOLS**

The Detective Division Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those office members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

#### **329.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS**

A deputy shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

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### 329.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Shift Sergeant shall ensure that the Department of Children, Youth, and Families poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

### 329.11 TRAINING

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

# Missing Persons

## 331.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 331.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  - 1. Missing under unexplained, involuntary or suspicious circumstances and is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or it is believed that the person is unable to return to safety without assistance.
  - 2. Out of the zone of safety for his/her chronological age and developmental stage.
  - 3. Mentally or behaviorally disabled.
  - 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 5. In a life-threatening situation.
  - 6. In the company of others who could endanger his/her welfare.
  - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Washington Crime Information Center (WACIC).



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### **331.2 POLICY**

The Kitsap County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Kitsap County Sheriff's Office gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

### **331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Detective Division Supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Medical records release form
- Biological sample collection kits

### **331.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

### **331.5 INITIAL INVESTIGATION**

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:

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1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
- (a) A photograph and fingerprint card of the missing person, if available.
  - (b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - (c) Any documents that may assist in the investigation, such as court orders regarding custody.
  - (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).
1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.
  2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases or WSP shall not be released except by court order.
  3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

### **331.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly.

#### **331.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.

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- The reports should be promptly sent to the Records Division.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
- If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### 331.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Detective Division.
- (e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### 331.7 DETECTIVE DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

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- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update WACIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **331.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED**

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective should contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing, the handling deputies shall:

- (a) File a missing person's report with MUPU.
- (b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.
- (c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.
  - 1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

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In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

### **331.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Support Services Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MUPU.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **331.8.1 UNIDENTIFIED PERSONS**

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### **331.9 CASE CLOSURE**

The agency may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Kitsap or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

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- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

## Public Alerts

### 333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 333.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 333.3 RESPONSIBILITIES

#### 333.3.1 MEMBER RESPONSIBILITIES

Members of the Kitsap County Sheriff's Office should notify their supervisor, Shift Sergeant or Detective Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 333.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall follow Department protocol on Activation Approval as outlined in this policy when any public alert is requested and shall ensure all appropriate documentation is completed.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updated alerts
- (b) Cancelling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Chief, if requested.

#### 333.3.3 ACTIVATION APPROVAL

In order to activate any of the plans in this policy for the Kitsap County Sheriff's Office it requires the approval of at least two command level personnel in the rank of Lieutenant or above. Whenever possible, the two command level personnel should be comprised of one from the patrol division and one from the detectives division. If not available, then any combination of Lieutenants or above will meet the requirements for activation. The Undersheriff should be made aware of any activation as soon as possible.

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### **333.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN**

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Kitsap County Sheriff's Office participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

#### **333.4.1 ALERT CRITERIA**

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or a throw-away child.
- (b) The abducted child is believed to be in danger of death or serious bodily injury.
- (c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.
- (d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:
  - 1. Where the abduction took place.
  - 2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
  - 3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
  - 4. Place last seen.
  - 5. Description of the vehicle: color, make, model, license number, approximate year.
- (e) The incident must be reported to and investigated by a law enforcement agency.

#### **333.4.2 PROCEDURE**

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Contact the Washington State Patrol (WSP) Communication Center or other appropriate entity for entry into the Law Enforcement Alerting Portal (LEAP).
- (b) Ensure the preparation and approval of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:
  - 1. A photograph



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2. Detail regarding location of the incident, direction of travel, potential destinations, etc., if known.
  3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
  4. A telephone number and point of contact for the public to call with leads or information.
- (c) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.

### 333.4.3 POST-INCIDENT REPORTING

The Sheriff or authorized designee may submit the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Sheriff or the authorized designee shall be responsible for representing the Department during the AMBER Alert Review Committee's after-action review of the alert.

### 333.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies and local broadcasters to rapidly disseminate information to law enforcement agencies, the media and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Kitsap County Sheriff's Office participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

#### 333.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

- (a) The person is missing under unexplained, involuntary or suspicious circumstances.
- (b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).
- (c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).
- (d) The incident has been reported to and investigated by a law enforcement agency.

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#### 333.5.2 PROCEDURE

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Contact the WSP Communication Center for entry into LEAP.
- (b) Direct Records Division personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (c) Notify Central Communications of the advisory and ensure that it is prepared to handle a high volume of telephone calls.
- (d) Ensure that the handling deputy attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (e) Direct the Records Division to enter the photograph into WACIC and NCIC, then send an email to the WSP Missing Persons Unit (MPU).
- (f) Appoint a Public Information Officer to handle the media.
  - 1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
  - 2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.
- (g) The Records Division personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through A Central Computerized Enforcement Service System (ACCESS), noting that the person has been found.

#### 333.6 BLUE ALERTS

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Kitsap County Sheriff's Office participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

##### 333.6.1 CRITERIA

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

- (a) The suspect has not been apprehended.
- (b) The suspect poses a serious threat to the public.

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- (c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.
- (d) The release of the information will not compromise the investigation.
- (e) The release of the information will not improperly notify a law enforcement officer's next of kin.

### **333.6.2 PROCEDURE**

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Direct Records Division personnel or other appropriate entity to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.
- (b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.
- (c) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.
- (d) Appoint a Public Information Officer to issue press releases and handle media inquiries.
  - 1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.
- (e) Advise Central Communications of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that a press release is issued cancelling the Blue Alert.

### **333.7 OTHER RESOURCE CONSIDERATIONS**

The Shift Sergeant or supervisor should consider the following resources, as appropriate:

- (a) Local allied law enforcement agency resources
- (b) FBI local office
- (c) The National Center for Missing and Exploited Children (NCMEC)
  - 1. Monitor the Cyber Tipline® link and post missing children alerts
- (d) The National Oceanic Atmospheric Administration (NOAA)
  - 1. Will relay AMBER Alerts over Weather Radio

# Victim Witness Assistance

## 335.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

## 335.2 POLICY

The Kitsap County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Kitsap County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

## 335.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the Office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Kitsap County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### 335.3.1 SPECIFIC VICTIM LIAISON DUTIES

The victim liaison should:

- (a) Ensure that the Office affords victims and witnesses their appropriate rights (RCW 7.69.030; RCW 7.69B.020).
- (b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).
- (c) Coordinate with the County Prosecutor's Office to ensure that all other required notifications are provided to victims and witnesses.

## 335.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

### 335.4.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The deputy may

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accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030(9)).

### **335.5 VICTIM INFORMATION**

The Support Services Lieutenant shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the deputy's name, badge number and any applicable case or incident number.
- (j) A written statement enumerating the rights of victims (RCW 7.69.030; RCW 7.69A.030; RCW 7.69B.020).
- (k) The name, address and telephone number of the local victim/witness program, or contact information for the Washington Coalition of Crime Victim Advocates.
- (l) An advisement notifying victims of domestic violence of their right to personally initiate a criminal proceeding when a deputy does not exercise arrest powers or initiate criminal proceedings by citation (RCW 10.99.030(6)(a)).
- (m) Information about the address confidentiality program (RCW 40.24.030).

### **335.6 WITNESSES**

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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### **335.7 WITNESS INFORMATION**

Any person who has been or expects to be summoned to testify for the prosecution in a criminal action, or who is subject to call or is likely to be called as a witness, has rights to specific information about the case (RCW 7.69.030).

The Support Services Lieutenant shall ensure that witness information notifications or handouts are available and current. The information may be provided on line and/or by other Divisions or Departments in Kitsap County and should include information regarding witness rights (RCW 7.69.030).

# Hate Crimes

## 337.1 PURPOSE AND SCOPE

This office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this office will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

## 337.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

**Bodily injury, physical injury or bodily harm** - Physical pain or injury, illness, or an impairment of physical condition.

**Malice and maliciously** - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

**Reasonable person** - A member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

**Sexual orientation** - Heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, gender expression or identity means having or being perceived as having a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 49.60.040).

**Threat** - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

## 337.3 CRIMINAL STATUTES

### 337.3.1 MALICIOUS HARASSMENT

A person is guilty of malicious harassment if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap (RCW 9A.36.080):

- (a) Causes physical injury to the victim or another person.
- (b) Causes physical damage to or destruction of the property of the victim or another person.

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- (c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

### **337.3.2 PRIMA FACIE ACTS OF HATE**

Prima facie acts of hate are (RCW 9A.36.080):

- (a) Burning a cross on property of a victim who is or whom the actor perceives to be of African American heritage.
- (b) Defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.

### **337.3.3 THREATS TO BOMB OR INJURE PROPERTY**

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

### **337.3.4 FEDERAL JURISDICTION**

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

### **337.4 CIVIL STATUTES**

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

### **337.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES**

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.



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### **337.6 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Deputy(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned deputy(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned deputy(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned deputy(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned deputy(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputy(s) before the end of the shift.
- (g) The assigned deputy(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned deputy(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

#### **337.6.1 DETECTIVE DIVISION RESPONSIBILITY**

If a case is assigned to the Detective Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

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### **337.7 TRAINING**

All members of this office will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).

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## Standards of Conduct

### **339.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the Kitsap County Sheriff's Office and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### **339.2 POLICY**

The continued employment or appointment of every member of the Kitsap County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### **339.3 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### **339.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### **339.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

### **339.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause.

#### **339.4.1 PRISON RAPE ELIMINATION ACT (PREA) DISCLOSURE**

Members have a continuing affirmative duty to notify the Sheriff or designee in writing if they have (28 CFR 115.17):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

### **339.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics.

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#### 339.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or County manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.
- (d) Violation of the Code of Professional Conduct and Responsibility of the member's particular Collective Bargaining Agreement.

#### 339.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Kitsap County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.

#### 339.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, military or veteran status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

#### 339.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation or their incarceration, with a known victim, witness, inmate, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

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- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department. This does not apply to family members and members should notify the Department of the relationship and the nature of any ongoing criminal activity.

### 339.5.5 ATTENDANCE

- (a) Leaving the job or area to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

### 339.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Kitsap County Sheriff's Office badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

### 339.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

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- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

#### 339.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.
- (d) Being untruthful or knowingly making false or misleading statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on--duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on--duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (i) Any act on- or off-duty that brings discredit to this department.

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### 339.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Engaging in sexual abuse.
- (n) Any history of sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (28 CFR 115.17).
- (o) Conviction or civil or administrative adjudication for engaging or attempting to engage in sexual activity that was facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse (28 CFR 115.17).
- (p) Divulging home telephone numbers, addresses, email addresses, work schedules or other confidential data regarding themselves or other employees to current inmates, former inmates or their families or the general public.
- (q) Accepting gifts of any value or favors from current or former inmates or their families. Attempts on the part of a current inmate, former inmate or his/her family to send gifts



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or offer favors to employees or their families must be immediately reported to the employee's supervisor.

- (r) Allowing contraband articles including, but not limited to, weapons, cellular telephones or other wireless devices, clothing, food, illegal drugs, or tobacco in any jail facility.
- (s) Receiving from an inmate any articles to deliver outside the facility.
- (t) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

### 339.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., ACCESS, driver license, first aid, BAC card).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

### 339.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

### 339.5.12 INCIDENTS OF PERSONAL INTEREST

Members should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should defer to other members to handle the matter. Members shall notify their supervisor when these situations occur.

# Information Technology Use

## 341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

### 341.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Kitsap County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 341.2 POLICY

It is the policy of the Kitsap County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 341.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

### **341.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

#### **341.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information services (IS) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

#### **341.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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### **341.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Limited and appropriate personal use is permitted during meal and break periods. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

### **341.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor or the Personal Communication Devices Policy. This also applies to personally owned devices not covered by the Personal Communication Devices Policy that are used to access department resources.

### **341.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

### **341.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

# Report Preparation

## 343.1 PURPOSE AND SCOPE

Report preparation is a major part of each member's job. The purpose of reports is to document sufficient information to refresh the member's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### 343.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. In the Patrol Division, permission of a Lieutenant is required to hold a report more than one day or over the deputy's regularly scheduled days off. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody shall not be held.

Handwritten reports/forms must be prepared legibly. If the report/form is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report/form. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## 343.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

### 343.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior

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- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy
  - 3. Child Abuse Policy
  - 4. Adult Abuse Policy
  - 5. Hate Crimes Policy
  - 6. Suspicious Activity Reports Policy
- (e) All misdemeanor crimes where the victim desires a report

### 343.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

- (a) Any time a member points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions that occurred on a public roadway and above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

### 343.2.3 CORRECTIONS INCIDENT REPORTING

Incident reports generally serve as an in-house notation of occurrences in the facility and to initiate, document and support the inmate disciplinary process. The Office has a system that differentiates between informational reports, crime reports and disciplinary reports. Incidents that shall be documented using the appropriate approved report include at a minimum:

- (a) Non-criminal incidents of rule violations by inmates.
- (b) Attempted suicide or suicidal ideation on the part of an inmate, if known.
- (c) Non-criminal breaches of security or evidence of an escape attempt.

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- (d) Non-criminal security threats, including intelligence related to jail activities.
- (e) Significant incidents related to medical issues, mental health issues or safety in the jail.
- (f) Information on the potential of or discovery of contraband in the possession of inmates or their housing areas.
- (g) Detaining or handcuffing any person, other than a current inmate.
- (h) Traffic collisions involving office vehicles.
- (i) Risk management incidents to include injuries to staff, inmates and lost or damaged property.
- (j) Accidental injuries of staff, inmates or the public.

### 343.2.4 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

### 343.2.5 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

### 343.2.6 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.



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### **343.2.7 ALTERNATE REPORTING FOR VICTIMS**

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle prowls with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.
- (k) Traffic/parking problems

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members shall not refuse to take a report from a reporting party if the reporting party does not want to utilize the on-line reporting system. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

### **343.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all members and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

#### **343.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

### **343.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

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### **343.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

## Media Relations

### 345.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 345.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Chiefs, Lieutenants, Sergeants, and designated Public Information Officer(s) and Deputies may prepare and release information to the media in accordance with this policy and the applicable law.

#### 345.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff.

### 345.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### **345.3.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

#### **345.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily information list of significant law enforcement activities that shall be made available, upon request, to media representatives. When requested, additional information may be made available (RCW 42.56.070(1)). This list may generally contain the following information:

- (a) The date, time, location, case number, and type of crime reported.
- (b) The date, time, location, case number, name, age and charges for each adult person arrested by this department unless the release of such information would endanger

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the safety of any individual or jeopardize the successful completion of any ongoing investigation.

- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office or other agency responsible for the notification.

Any requests for copies of related reports or additional information not contained in this list shall be referred to the designated department media representative, the Public Records Officer, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56.001 et seq.) and should include a record of all disseminated reports and information.

### 345.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

# Subpoenas and Court Appearances

## 347.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Kitsap County Sheriff's Office to cover any related work absences and keep the Department informed about relevant legal matters.

## 347.2 POLICY

Kitsap County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

## 347.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A subpoena may be served upon a member by personal service or by leaving such copy at the place of his/her residence (Civil Rules, CR 45; Civil Rules, CrLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail in a limited criminal matter. A criminal subpoena in Superior Court may be served by first-class mail together with a waiver of personal service and instructions for returning such waiver to complete service (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

The Kitsap County Prosecuting Attorney may serve a subpoena upon a member by county email. However, no member shall be subject to discipline for failing to respond if the email was sent during the member's day off and the member has not returned to work before the scheduled appearance date.

### 347.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Deputy Prosecuting Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Kitsap County Sheriff's Office.

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- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Kitsap County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

### **347.3.2 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

### **347.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### **347.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

### **347.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena. Members will be compensated for standby status in accordance with the current memorandum of understanding or collective bargaining agreement.

### **347.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire. Members should wear the Class A dress uniform if feasible.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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### 347.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

### **347.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.



## Outside Agency Assistance

### 350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 350.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

### 350.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant's office for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

#### 350.3.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Kitsap County Sheriff's Office shall notify his/her supervisor or the Shift Sergeant and Central Communications as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 350.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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### **350.5 REPORTING REQUIREMENTS**

Incidents of outside agency assistance shall be documented in a case report or as directed by the Shift Sergeant.

### **350.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Chief of Detectives and Support Services Division or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

## Registered Offender Information

### 354.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Kitsap County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

### 354.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 354.3 REGISTRATION

The Detective Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Washington State Patrol (WSP) within five working days in accordance with RCW 43.43.540. The Washington Association of Sheriffs and Police Chiefs (WASPC) shall be provided any requested information for the administration of the Sex Offender Information website (RCW 4.24.550).

A criminal investigation for failure to register will be initiated if a registrant refuses to provide any of the required information or complete the process.

#### 354.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases

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- Social Security number
- Biological sample if one has not already been submitted to the WSP (see the Biological Samples Policy for collection protocol) (RCW 43.43.754)

Offenders lacking a fixed residence must keep an accurate accounting of where he/she stays during the week and provide it to the county sheriff upon request.

The registering member shall take photographs and fingerprints, which may include palmprints, of all sex/kidnapping offenders.

### **354.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS**

Felony firearm offenders who are required to register must appear in person and provide the following (RCW 9.41.330; RCW 9.41.333):

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The registering member may take photographs and fingerprints of the felony firearm offender.

### **354.4 MONITORING OF REGISTERED OFFENDERS**

The Detective Division Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration.

The Detective Division Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Kitsap County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

### **354.5 DISSEMINATION OF PUBLIC INFORMATION**

Employees will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information Center website or the Kitsap County Sheriff's Office's website.

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The Detective Division shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

#### 354.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The Kitsap County Sheriff's Office has no authority to direct where an offender may live.

#### 354.5.2 MANDATORY NOTIFICATION

The Detective and Support Services Division Chief shall ensure that:

- (a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the County. The notice shall conform to the guidelines established in RCW 4.24.5501.
- (b) All information on sex/kidnapping offenders registered in the County is regularly updated and posted on the WASPC Sex Offender Information website (RCW 4.24.550(5)).

#### 354.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Office may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.
- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Office may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries,

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businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.

- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Office may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Office may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

### **354.5.4 SCHOOL NOTIFICATIONS**

The Sheriff has the responsibility of notifying the applicable school's principal or public safety department of any sex/kidnapping offender who attends or is employed at the school and for providing the following information about the offender (RCW 9A.44.138):

- Name
- Complete residential address
- Date and place of birth
- Place of employment
- Crime for which the person have been convicted
- Date and place of conviction
- Aliases
- Social Security number
- Photograph
- Risk level classification

### **354.6 SEX OFFENDER RISK ASSESSMENT**

The Detective and Support Services Division Chief shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Kitsap County Sheriff's Office is authorized to assign its own risk level.
- Risk level classification criteria.
- What risk assessment tools may be used and how such tools are scored.

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- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- The process for an offender to petition for review of the risk level classification.

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## Major Incident Notification

### 356.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

### 356.2 POLICY

The Kitsap County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 356.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Chief. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Officer-involved shooting on- or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury or death to employee on- or off-duty.
- Death of a prominent Kitsap official.
- Arrest of Department employee or prominent Kitsap official.
- Aircraft crash with major damage and/or injury or death.
- Investigation of high public interest (i.e. School incident).
- In-custody deaths.
- In-custody felony assaults.
- In-custody escapes or attempted escapes.
- In-custody criminal investigations being conducted by an outside law enforcement agency.

### 356.4 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant is responsible for making the appropriate notifications to a Lieutenant who is then responsible for notifying the Division Chief. The Shift Sergeant is also responsible for notifying the appropriate Division of the Sheriff's Office should their services be needed (Detectives, Traffic, PIO). The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt



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to make the notifications as soon as practical. Notification should be made by calling the home phone number first and then any additional contact numbers supplied.

### 356.4.1 STAFF NOTIFICATION

In the event an incident occurs described in MINIMUM CRITERIA FOR NOTIFICATION, the Sheriff shall be notified along with the affected Division Chief and the Detective Lieutenant if that division is affected.

### 356.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Detective Sergeant or Lieutenant shall be contacted who will then contact the appropriate detective.

### 356.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate collision investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

### 356.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer should be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

# Death Investigation

## 358.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

## 358.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Deputies are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

### 358.2.1 CORONER JURISDICTION OVER REMAINS

The coroner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a coroner's autopsy or post mortem or coroner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a virulent contagious disease or suspected contagious disease which may be a public health hazard.
- (l) Where death results from alleged rape, carnal knowledge or sodomy.
- (m) Where death occurs in a jail or prison.
- (n) Where a body is found dead or is not claimed by relatives or friends.

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The body or human remains shall not be disturbed or moved from the position or place of death without permission of the coroner (RCW 68.50.050).

### 358.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

### 358.2.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

### 358.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death, except expected deaths attended by a health care professional, shall be documented on the appropriate form.

### 358.2.5 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Detective Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

# Identity Theft

## 360.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 360.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The KCSO Records Section will ensure that the complainant receives a copy of the incident report (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate deputy or detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

# Limited English Proficiency Services

## 366.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 366.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Kitsap County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 366.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 366.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Chief or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Kitsap County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Dispatch Supervisor. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **366.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

### **366.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Kitsap County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

### **366.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

### **366.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### **366.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

### **366.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **366.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.



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#### **366.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **366.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **366.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Kitsap County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

#### **366.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning

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or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available and there are no additional safety concerns, deputies should obtain the assistance of a qualified bilingual member, the Language Line, or an authorized interpreter before placing an LEP individual under arrest.

### **366.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

### **366.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### **366.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare,

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the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### **366.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

### **366.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### **366.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Officer shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter, as resources permit. The Training Officer shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### **366.18.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

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Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Officer shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

# Communications with Persons with Disabilities

## 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

## 368.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 368.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Chief or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the Kitsap County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and Dispatch Supervisor. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

### **368.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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### **368.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Kitsap County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

### **368.6 TYPES OF ASSISTANCE AVAILABLE**

Kitsap County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

## *Communications with Persons with Disabilities*

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

### **368.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### **368.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

### **368.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).



## *Communications with Persons with Disabilities*

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### **368.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **368.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### **368.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

## *Communications with Persons with Disabilities*

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### **368.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **368.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

### **368.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video

## *Communications with Persons with Disabilities*

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remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### **368.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

### **368.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

### **368.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### **368.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

# Kitsap County Sheriff's Office

## LE Policies

### *Communications with Persons with Disabilities*

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The Training Officer shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter, as resources permit. The Training Officer shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

## Child and Dependent Adult Safety

### 376.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

### 376.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Kitsap County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 376.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

## *Child and Dependent Adult Safety*

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### 376.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Social and Health Services, if appropriate.
- (e) Notify the field supervisor or Shift Sergeant of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Deputies shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy (RCW 26.44.250).

### 376.3.2 DURING THE BOOKING PROCESS

During the booking process and prior to the jail accepting the arrestee at intake, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is

## *Child and Dependent Adult Safety*

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reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

### **376.3.3 REPORTING**

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

### **376.3.4 SUPPORT AND COUNSELING REFERRAL**

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

### **376.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

## *Child and Dependent Adult Safety*

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Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

### **376.5 TRAINING**

The Training Officer is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.



## Service Animals

### 378.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Kitsap County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 378.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### 378.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of how service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 378.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Kitsap County Sheriff's Office affords to all members of the public.

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Service animals are allowed in the Kitsap County Jail Reception area; however they are not allowed within the secure perimeter of the jail without the approval of the Chief of Corrections.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

# Volunteer Program

## 380.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 380.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, Citizens on Patrol, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 380.2 VOLUNTEER MANAGEMENT

### 380.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinators shall be appointed by the Patrol and Corrections Division Chiefs. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining a record of volunteer schedules and work hours.
- (f) Completion and dissemination as appropriate of all necessary paperwork and information.
- (g) Planning periodic recognition events.
- (h) Administering discipline when warranted.
- (i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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### 380.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 380.2.3 SCREENING

All prospective volunteers should complete an application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and may include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and applicants shall be processed for criminal history.
- (b) Employment.
- (c) References.
- (d) Credit check.

A polygraph/truth verification exam may be required of each applicant depending on the type of assignment.

### 380.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and sign an agreement of service with the Department.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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### 380.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

### 380.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

### 380.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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### **380.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

### **380.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

### **380.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn, or carried while in uniform, at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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### 380.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must complete the following:

- (a) A driving safety briefing and department approved driver safety course as directed by the Volunteer Coordinator.
- (b) Verification that the volunteer possesses a valid Washington Driver's License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers shall not operate a marked patrol car unless directed to do so by a supervisor or commissioned Deputy.

### 380.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete Central Computerized Enforcement Service System (ACCESS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and ACCESS training is provided for volunteers whenever necessary.

## **380.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

### 380.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

## **380.7 EVALUATION**

An evaluation of the overall volunteer program should be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the

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best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.



## Off-Duty Law Enforcement Actions

### 382.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Kitsap County Sheriff's Office with respect to taking law enforcement action while off-duty.

### 382.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Non-sworn personnel, including corrections officers, should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

A Deputy or Corrections Officer exercising their privilege to carry a concealed firearm outside the State of Washington under 18 USC sec. 923(B) (LEOSA) is not provided with the authority to act as a law enforcement officer.

Under 18 USC sec. 923, a deputy or corrections officer is simply authorized with the privilege to carry a concealed firearm in all fifty states, the District of Columbia, Puerto Rico, and all other US Possessions (except the Canal Zone), in accordance with federal law, based on their status.

### 382.3 FIREARMS

Deputies and corrections officers of this department may carry firearms while off-duty in accordance with federal (18 USC § 923B, LEOSA) and state (RCW 9.41.060) regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty under

## *Off-Duty Law Enforcement Actions*

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(18 USC § 923B, LEOSA) and/or (RCW 9.41.060), deputies and corrections officers shall also carry their Kitsap County Sheriff's Office commission cards..

Deputies and corrections officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or any combination thereof that adversely affects the members' senses or judgment.

### **382.4 DECISION TO INTERVENE**

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed law enforcement officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

Off-duty deputies outside the State of Washington shall take no law enforcement action.

#### **382.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as a Kitsap County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

#### **382.4.2 INCIDENTS OF PERSONAL INTEREST**

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

## *Off-Duty Law Enforcement Actions*

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### **382.4.3 NON-SWORN RESPONSIBILITIES**

Non-sworn personnel, including corrections officers, should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable. This does not prohibit a non-sworn member from taking lawful action as a private citizen in defense of self or others under RCW 9A.16.

### **382.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed deputy or other law enforcement officer in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy or law enforcement officer in case he/she needs to maintain an undercover capability.

### **382.5 REPORTING**

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate and consistent with all reporting rights and responsibilities in this manual, the collective bargaining agreements, and state and federal law.

# Department Use of Social Media

## 383.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

### 383.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

## 383.2 POLICY

The Kitsap County Sheriff's Office may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

For additional guidance on proper use of Department authorized social media outlets, agency members should refer to the Kitsap County Sheriff's Office social media plan.

## 383.3 AUTHORIZED USERS

Only personnel specifically designated by the Sheriff will be authorized to post, comment and/or respond to comments on any of the agency's social media websites. Those designated by the Sheriff will be referred to as social media administrators.

Department designated social media administrators shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines shall be approved by a Department designated social media administrator.

## *Department Use of Social Media*

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Requests to post information over department social media by members who are not authorized to post shall be made through department designated social media administrators.

### **383.4 AUTHORIZED CONTENT**

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases and media advisories.
- (h) Recruitment of personnel.

#### **383.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

In the event of a rapidly developing incident, the PIO or authorized designee may ask partner agencies to post relevant information onto their social media sites in order to quickly disseminate information should there be a delay in posting it to the department's social media sites. Examples of partner agencies include; CenCom, Kitsap County Department of Emergency Management, Washington State Patrol and local fire and police agencies.

### **383.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Kitsap County Sheriff's Office or its members.

## *Department Use of Social Media*

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- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor who will contact a department designated social media administrator as soon as practicable.

### **383.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of content by the public.

### **383.6 MONITORING CONTENT**

The KCSO Office of Public Affairs shall be responsible for oversight and monitoring of Department social media sites to ensure that they are in compliance with Department policy and the Department social media plan.

### **383.7 RETENTION OF RECORDS**

The Office of Public Affairs should work with the Dissemination and Records Unit to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **383.8 TRAINING**

Department approved social media administrators should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

# Native American Graves Protection and Repatriation

## 384.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 384.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects and associated funerary objects** - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 384.2 POLICY

It is the policy of the Kitsap County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## 384.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

## *Native American Graves Protection and Repatriation*

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Coroner (RCW 68.50.645)
- Tribal land - Responsible Indian tribal official

### **384.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).



# Extreme Risk Protection Orders

## 385.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders (RCW 7.94.010 et seq.).

### 385.1.1 DEFINITIONS

Definitions related to this policy include:

**Extreme risk protection order** – An order prohibiting a named person from controlling, owning, purchasing, possessing, receiving or otherwise having custody of any firearms.

**Ex parte extreme risk protection order** – An extreme risk protection order that has been issued in the absence of or without notification to the named person.

## 385.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the department pursuant to such orders.

## 385.3 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

Deputies petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

- (a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions or facts that give rise to a reasonable fear of future dangerous acts by the person.
- (b) Identify the number, types and locations of any firearms that the deputy believes to be owned, possessed, controlled or in the custody of the person.
- (c) Identify any other known existing protection orders governing the person.
- (d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions or other action between the person and the Kitsap County Sheriff's Office.
- (e) Include an attestation that the deputy provided notice of the intent to seek the order to a family or household member of the person and to any third party who the deputy

## *Extreme Risk Protection Orders*

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reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

A deputy may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing or receiving a firearm (RCW 7.94.050).

### **385.3.1 NOTICE OF PETITION**

When a member of the Kitsap County Sheriff's Office petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including mental health, domestic violence and counseling (RCW 7.94.030).

### **385.4 SERVICE**

Service of notice of hearing and petitions, ex parte extreme risk protection orders and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Deputies serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Deputies assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order not more than 10 days after the Kitsap County Sheriff's Office received the order (RCW 7.94.060).

When timely personal service is not completed, the deputy should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The deputy serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

- (a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.
  - 1. The deputy should ensure the original receipt is forwarded to the Civil Division.
- (b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.
- (c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Civil Division.

All firearms collected shall be handled and booked in accordance with the Property and Evidence Policy.

## *Extreme Risk Protection Orders*

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### **385.5 SEARCH WARRANTS**

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

### **385.6 SUPPORT SERVICES SUPERVISOR RESPONSIBILITIES**

The Support Services Supervisor is responsible for ensuring that:

- (a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the department that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the department that lists outstanding warrants (RCW 7.94.110).
- (b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the department (RCW 7.94.090).
- (c) Any proofs of service for notices or orders are filed with the court.
- (d) Expired or terminated orders entered into computer based-systems by the department are removed (RCW 7.94.110).

### **385.7 COURT-ORDERED FIREARMS SURRENDERS**

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

- (a) Record the person's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.90).
  - 1. The original receipt is to be forwarded to the Civil Division.
- (e) Package and submit the firearms in accordance with the Property and Evidence Policy.

### **385.8 RELEASE OF FIREARMS**

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

### **385.9 RENEWAL OF EXTREME RISK PROTECTION ORDER**

The Detective Division supervisor is responsible for review of an extreme risk protection order obtained by the department, to determine if renewal should be requested within the time prescribed by law (RCW 7.94.080).

## **Chapter 4 - Patrol Operations**

# Patrol Function

## 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol division of the Kitsap County Sheriff's Office to ensure intra-department cooperation and information sharing.

### 400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of unincorporated Kitsap County, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other divisions within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

### 400.1.2 TERRORISM

It is the goal of the Kitsap County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism related reports are forwarded to the Detective Division Supervisor in a timely fashion.

## *Patrol Function*

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### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Kitsap County Sheriff's Office.

#### **400.2.1 CRIME ANALYSIS**

Criminal information and intelligence reports can be submitted to the Detective Division for distribution to all divisions within the Department through daily and special bulletins.

#### **400.2.2 CRIME REPORTS**

A crime report may be completed by any member who receives criminal information. The report will be processed and forwarded to Records for retention and to the appropriate personnel for follow-up investigation.

#### **400.2.3 PATROL BRIEFING**

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible.

#### **400.2.4 INFORMATION CLIPBOARDS**

Several information clipboards will be maintained in the squad rooms and will be available for review by deputies from all divisions within the Department.

#### **400.2.5 BULLETIN BOARDS**

A bulletin board will be kept in the squad rooms and the Detective Division for display of suspect information, intelligence reports and photographs.

### **400.3 CROWDS, EVENTS AND GATHERINGS**

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Kitsap County Sheriff's Office's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 402.2 POLICY

The Kitsap County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 402.3.1 OTHER PROHIBITIONS

The Kitsap County Sheriff's Office also condemns the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (2018 Laws, Ch. 303 § 3,4):

- (a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

## *Bias-Based Policing*

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- (b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.
- (c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

### **402.4 MEMBER RESPONSIBILITIES**

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### **402.4.1 REASON FOR CONTACT**

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

### **402.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.



## *Bias-Based Policing*

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### **402.6 STATE REPORTING**

Subject to any fiscal constraints, the Patrol Division Chief should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

### **402.7 ADMINISTRATION**

The Office of Professional Standards should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints and statistical data, to the Sheriff. The annual report should not contain any identifying information about any specific complaint, citizen or deputies. It should be reviewed by the Sheriff to identify any trends and/or any changes in policy, training, or operations that should be made to improve service.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

### **402.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Officer (RCW 43.101.410).

# Crime and Disaster Scene Integrity

## 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 406.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 406.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

## 406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

## *Crime and Disaster Scene Integrity*

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### **406.5 SEARCHES**

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **406.5.1 CONSENT**

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

### **406.6 DETECTIVE AND SUPPORT SERVICES DIVISION CHIEF RESPONSIBILITIES**

The Detective and Support Services Division Chief is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

### **406.7 EXECUTION OF HEALTH ORDERS**

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

# Special Weapons and Tactics Team (SWAT)

## 408.1 PURPOSE AND SCOPE

The SWAT unit is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

### 408.1.1 ADMINISTRATIVE POLICY

Situations that necessitate the need for SWAT response vary greatly from incident to incident and such events often demand on-the-scene evaluation. Standard Operational Procedures will be outlined in a separate manual that serves as a guideline to department personnel allowing for appropriate on scene decision making as required.

### 408.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 408.2 LEVELS OF CAPABILITY/TRAINING

### 408.2.1 STANDARD OPERATIONAL PROCEDURES

The Standard Operational Procedures shall be maintained by the SWAT Commander and included as an appendix to this manual.

## 408.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control.
- (b) Containment.
- (c) Entry/Apprehension/Rescue.

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

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### 408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

### 408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures (see attached appendix) which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

### 408.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
  - 1. All SWAT team members should have an understanding of operational planning.
  - 2. SWAT team training should consider planning for both spontaneous and planned events.
  - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

## *Special Weapons and Tactics Team (SWAT)*

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1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
  1. Documentation of the incident.
  2. Transition to investigations and/or other units.
  3. Debriefing after every deployment of the SWAT team.
    - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
    - (b) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    - (c) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

### **408.4 TRAINING NEEDS ASSESSMENT**

The SWAT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities and department policy.

#### **408.4.1 INITIAL TRAINING**

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of a Criminal Justice Training Commission (CJTC) approved Basic SWAT Course or its equivalent.

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- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or standardized training recommendations.

### 408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

### 408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend Criminal Justice Training Commission (CJTC) approved SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

### 408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test quarterly. See SWAT Appendix.
- (b) Bi-annually, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SWAT Commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (c) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the SWAT Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

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### 408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

### 408.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

### 408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

## **408.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

### 408.5.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

### 408.5.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

### 408.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

### 408.5.4 OPERATIONAL READINESS INSPECTIONS

The SWAT Commander shall appoint a SWAT supervisor to perform operational readiness inspections of all unit equipment bi-annually. The result of the inspection will be forwarded to the SWAT commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SWAT facility and equipment maintained or used in SWAT vehicles.

## **408.6 MANAGEMENT/SUPERVISION OF SWAT**

The SWAT Commander shall be selected by the Sheriff upon recommendation of staff.

### 408.6.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Chief of Detectives and Support Services, SWAT shall be managed by a first line supervisor or higher rank.

### 408.6.2 TEAM LEADERS

The team leaders shall be selected by the Sheriff upon specific recommendation by staff and the SWAT Commander.



## *Special Weapons and Tactics Team (SWAT)*

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The following represent the team leaders responsibilities for CNT and SWAT.

- (a) The Crisis Negotiation Team Leader's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.
- (b) The Special Weapons and Tactics Team Leader's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.

### **408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

#### **408.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a letter of interest to the Crisis Negotiation Team Leader. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SWAT Commander, the Crisis Negotiation Team Leader, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

#### **408.7.2 TRAINING OF NEGOTIATORS**

Those deputies selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Criminal Justice Training Commission (CJTC) or its equivalent prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team leader.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team leader.

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Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team leader. Performance and efficiency levels, established by the team leader, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

### **408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The Standard Operational Procedures (See Appendix) serve as directives for the administrative operation of the Special Weapons and Tactics Team.

#### **408.8.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation and meet the experience requirement shall submit a letter of interest to the SWAT Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by performance.
  - 2. Demonstrated good judgment and understanding of critical role of SWAT member.
  - 3. Special skills, training, or appropriate education as it pertains to this assignment.
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position
- (c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun.
- (d) Team evaluation: Current team members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

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- (e) A list of successful applicants shall be submitted to staff, by the SWAT Commander, for final selection.

### 408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

### 408.9 OPERATION GUIDELINES FOR SWAT

The following procedures serve as guidelines for the operational deployment of SWAT. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team and that CNT may be used in situations not requiring SWAT. This shall be at the discretion of the SWAT Commander.

#### 408.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess and confer with the SWAT Commander to determine whether SWAT is to respond to the scene.

#### 408.9.2 APPROPRIATE SITUATIONS FOR USE OF SWAT AND / OR CNT

The following are examples of incidents which may result in the activation of SWAT and / or CNT:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

#### 408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be routed through the Shift Sergeant. Deployment of the Kitsap County Sheriff's Office SWAT in response to requests by other agencies must be approved by the SWAT Commander after receiving authorization from a Division Chief.

#### 408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

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- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Kitsap County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Kitsap County Sheriff's Office when working in a multi-agency situation.

### 408.9.5 MOBILIZATION OF SWAT

The Shift Sergeant shall then contact the SWAT Commander when requesting SWAT. If unavailable, a team supervisor shall be notified. The Shift Sergeant will then notify the Patrol Division Chief as soon as practical.

The Shift Sergeant should advise the SWAT Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of deputies involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SWAT Commander or supervisor shall then call selected deputies to respond.

### 408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for SWAT, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
- (f) Be prepared to brief SWAT Commander on situation.

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- (g) Plan for, and stage, anticipated resources.

### 408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of SWAT at the scene, the Incident Commander shall brief the SWAT Commander and team leaders about the situation. The SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for SWAT. The Incident Commander and the SWAT Commander (or his/her designee) shall maintain communications at all times.

### 408.9.8 COMMUNICATION WITH SWAT PERSONNEL

All of those persons who are non-SWAT personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his/her designee.

# Ride-Along Policy

## 410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

### 410.1.1 ELIGIBILITY

The Kitsap County Sheriff's Office Ride-Along Program is offered on a very limited, case by case basis to citizens and law enforcement members. Any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

### 410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Ride-Along riders may ride all or part of a shift. Riders generally will be allowed to ride during any one shift, and will not generally be allowed to ride over a period spanning two shifts with different deputies. The shift supervisor shall have final authority to approve the availability of ride along requests.

## 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Ride-along requests will be scheduled by the Patrol Administrative Assistant. Civilians must provide full name, date of birth, address, email address, and phone number. The participant must complete a ride-along waiver form prior to the ride along. If the participant is under 18 years of age, a parent/guardian must be present to complete the Kitsap County Sheriff's Office Voluntary Ride Along Hold Harmless Agreement Form and the ride along must be approved by a Shift Supervisor.

Deputies and Sergeants may request to have a civilian rider. Each request must be approved by a Shift Sergeant or Lieutenant. The requirements for eligibility are the same as other civilian riders.

Spouses, relatives and personal acquaintances of deputies may ride with a deputy up to one time in a six month period and must have the approval of a shift supervisor. Exceptions must be approved by a Lieutenant or Division Chief.

The General flow of the ride along process will be as follows:

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- Ride along requests are sent to the Patrol Administrative Assistant with the requestor's information (Name, email address and contact number)
- The Patrol Administrative Assistant will email the requestor the Ride-Along Program Application. The requestor will complete the first page and return.
- The Patrol Administrative Assistant will conduct a Triple I and records check in our Records Management System.
  - If the background check reveals anything of concern, the information will be forwarded to a Lieutenant for review and/or approval.
  - If the ride-along is denied after the request has been made, a representative of the Office will contact the requestor and advise him/her of the denial.
- For general citizens, if a reviewed request is approved by a Lieutenant, the Patrol Administrative Assistant will schedule the ride along.
- The Patrol Administrative Assistant will schedule a date and time for the rider and provide them with instructions for the day of their ride.
- The Patrol Administrative Assistant will fill out the "Kitsap County Sheriff's Office Ride Along Program Application" and have a Lieutenant sign off then place in the Patrol Team's box.
- The Deputy will have the rider read and sign the "Kitsap County Sheriff's Office Voluntary Ride Along Program Application" and Release, Waiver of Liability & Indemnification form..
- The Shift Supervisor will sign the "Kitsap County Sheriff's Office Voluntary Ride Along Hold Harmless Agreement" then place it in the Patrol Administrative Assistant's box.
- The Patrol Administrative Assistant will check off the returned form and send to the TAC to file.
- Records will store the KCSO Voluntary Ride Along Hold Harmless Agreement for 6 years upon completion of the ride along.

#### 410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian rider will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Chaplains, KCSO Volunteers, Reserves, sheriff's applicants, and all others with approval of the Shift Sergeant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's cadets are covered in the Sheriff's Cadet Program Policy.

#### 410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not

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permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

Civilian ride alongs should not be armed with a firearm while riding.

### **410.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Shift Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require. An off-duty, fully commissioned peace officer may be armed during the ride along with the approval of a shift sergeant. The firearm should be concealed while carried and carried in a secure holster. The peace officer should carry their department identification and badge if armed.

### **410.3 DEPUTY'S RESPONSIBILITY**

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Patrol Administrative Assistant is responsible for processing and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Shift Supervisor with any comments which may be offered by the deputy.

### **410.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the rider at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The rider will follow the directions of the deputy.
- (b) The rider will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment.
- (c) The rider may terminate the ride-along at any time and the deputy may return the observer to their home or to the station if the rider interferes with the performance of the deputy's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Deputies will not allow any rider to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.



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- (f) Under no circumstance shall a civilian rider be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.
- (g) The rider shall not be allowed to audio or video record any part of the ride along, or take photographs without the deputy's permission.

# Hazardous Material Response

## 412.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

### 412.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 412.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

## 412.3 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Central Communications, appropriate supervisors, the appropriate fire department and hazardous response units.
  - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

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- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  - 1. Placards or use of an emergency response guidebook.
  - 2. Driver's manifest or statements or shipping documents from the person transporting the material.
  - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first-aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.
- (k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Kitsap Local Emergency Planning Committee (LEPC) procedures.

### **412.4 REPORTING EXPOSURE**

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Sergeant as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

#### **412.4.1 SUPERVISOR RESPONSIBILITIES**

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

### **412.5 POLICY**

It is the policy of the Kitsap County Sheriff's Office to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

# Hostage and Barricade Incidents

## 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

### 414.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

## 414.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

## 414.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

### 414.3.1 EMERGENCY COMMUNICATIONS

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

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### **414.4 FIRST RESPONDER CONSIDERATIONS**

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### **414.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

### 414.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid deployment team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Deployment Team Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

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- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### **414.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Central Communications.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

### **414.6 SWAT RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.



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### **414.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

# Response to Bomb Calls

## 416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Kitsap County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

## 416.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

## 416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Sergeant is immediately advised of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

## 416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

### 416.4.1 KITSAP COUNTY SHERIFF'S OFFICE FACILITIES

If the bomb threat is against the Kitsap County Sheriff's Office facility, the Shift Sergeant will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's office, as he/she deems appropriate.

### 416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Kitsap County Sheriff's Office that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

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### **416.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

### **416.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the County of Kitsap, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### **416.5.1 ASSISTANCE**

The Shift Sergeant should be notified when sheriff's assistance is requested. The Shift Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Shift Sergeant determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Assistance from the Washington State Patrol Bomb Squad and/or Explosive K-9 Team(s)
  - 2. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

### **416.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Sergeant including:

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1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

### **416.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

#### **416.7.1 CONSIDERATIONS**

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

# Responding to Persons With Mental Illness

## 417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of the Kitsap County Sheriff's Office when dealing with persons suffering from mental illness.

### 417.1.1 POLICY

The policy of the Kitsap County Sheriff's Office is to provide people who suffer from mental illness with the same rights and access to services provided to all citizens. Deputies of the Kitsap County Sheriff's Office shall not hesitate to take appropriate actions to control a situation or protect the safety of themselves or others when dealing with a person suffering from a mental illness.

## 417.2 COMMON SYMPTOMS OF MENTAL ILLNESS

Deputies are not expected to make a diagnosis of mental illness but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. Some generalized signs of a mental illness can include behavior brought on by drug and alcohol abuse. Deputies should not rule out these causes. Other indicators of a person with a mental illness include the following:

- (a) Reactions – Strong and unrelenting fear of persons. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without apparent provocation;
- (b) Behavior – Inappropriate behavior for a given situation;
- (c) Rigidity/Inflexibility – Frustration in new situations or circumstances and inappropriate or aggressive behavior in dealing with the situation;
- (d) Abnormal memory loss – Forgetting common facts such as name or home address (although these may also be signs of an injury or Alzheimer's disease);
- (e) Delusions – A belief which is strongly held based on incorrect observations of reality despite evidence to the contrary, and when these beliefs are not ordinarily accepted by others;
- (f) Hallucinations of any of the five senses (e.g. hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc.);
- (g) The belief that one suffers from extraordinary physical maladies that are not possible, such as a person who is convinced that his heart has stopped beating for an extended period of time; and/or
- (h) Extreme fright or depression.

## 417.3 COMMON ENCOUNTERS WITH PERSONS WITH MENTAL ILLNESS

Deputies should provide people with a mental illness reasonable assistance in accessing available services. This may require time and patience beyond what is normally provided.

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Common situations which deputies may encounter include:

- (a) Wandering - Individuals with mental challenges may be found wandering aimlessly or engaged in repetitive or bizarre behavior in a public place;
- (b) Seizures - Mentally ill persons are more subject to seizures;
- (c) Strange and bizarre Behavior - Repetitive and seemingly nonsensical actions in public places, inappropriate laughing or crying, and placing oneself in a dangerous situation; and/or
- (d) Offensive, aggressive or suspicious behaviors - Socially inappropriate acts such as encroaching into personal space, or inappropriate touching of oneself or others.

### **417.4 INITIAL RESPONSE TO CALLS INVOLVING PERSONS WITH MENTAL ILLNESS**

When responding to potential mental health related calls, deputies must assess the scene and make a determination of any immediate need for assistance. Information can be sought from family members, friends, or others at the scene who may know the individual or his/her history. In either case below, deputies should consider contacting a Crisis Intervention Officer (CIO) to assist.

- (a) Active Situation: An active event may require immediate intervention. During an active event, deputies must consider factors which affect the safety of everyone involved. Does the subject pose an imminent threat and do they have the ability, means, and opportunity to carry out the threat? Deputies shall use reasonable force as necessary to stop the threat, secure subjects(s), make the scene safe, and continue an assessment of the people involved.
- (b) Static Situation: A static event requires no immediate action to preserve life or property but deputies should continually assess the people involved and monitor the situation for factors that may compromise safety. Crisis Intervention Techniques will be useful in all these situations as they arise.

### **417.5 COMMUNICATION WITH THE MENTALLY ILL**

Deputies should, when possible, establish a dialog with the subject to develop trust and rapport.

Speaking calmly, avoiding threatening gestures or body language, and eliminating commotion by controlling the surrounding environment and bystanders will help with communication. If the person has a caregiver, the caregiver is often the best resource for specific advice on communicating with the person. In general, deputies should not attempt to touch a mentally ill person unless to search or take the person into custody.

#### **417.5.1 INTERVIEW AND INTERROGATION FOR PERSONS WITH MENTAL ILLNESS**

Deputies attempting to conduct an interview or interrogation with a mentally ill individual should consider the following:

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- (a) Lack of eye contact or strange actions should not be interpreted as indications of deception;
- (b) Use simple and straightforward language;
- (c) Do not suggest answers, attempt to complete thoughts of persons slow to respond, or pose hypothetical conclusions; and
- (d) Recognize the individual might be easily manipulated and highly suggestible.

### **417.6 DISPOSITION OF CALLS INVOLVING MENTALLY ILL PERSONS**

Once sufficient information has been collected about the nature of the call and the situation has stabilized, there are a range of options deputies should consider when selecting an appropriate resolution. These options include the following:

- (a) No action required – release the subject;
- (b) Refer or arrange transport for the person for medical attention;
- (c) Release to family, caregiver or mental health provider;
- (d) Refer or arrange transport to a substance abuse facility;
- (e) Assist in arranging voluntary admission to a mental health facility;
- (f) Arrange transport for involuntary emergency mental health evaluation if the person's behavior meets the criteria for this action; and/or
- (g) Arrest if a crime has been committed.

### **417.7 SAFETY**

The goal of any police encounter with the mentally ill should be to stabilize the situation and provide police services in a patient, compassionate manner. Deputies should not compromise their safety or the safety of others while assisting the mentally ill. Deputies may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to him/herself, the officer, or others. These include the following:

- (a) The availability of any weapons to the suspect;
- (b) Statements that suggest the individual is prepared to commit a violent or dangerous act;
- (c) A past history of violence;
- (d) Lack of physical control over emotions of rage, anger, fright, or agitation; and
- (e) Agitations which affect a person or a particular environment that may incite violence.

### **417.8 CUSTODY**

If a criminal act is observed; an offense that requires mandatory arrest, i.e. domestic violence; or there is probable cause to believe that a felony has been committed, the deputy should arrest



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the suspect under the appropriate criminal statute. The deputy does not make a determination of the person's culpability in a crime based on mental illness. That authority lies with the court. The deputy should document in the incident report any behaviors by the suspect which indicate a mental illness.

Depending on the circumstances, the officer may want to summon the on-duty supervisor and/or additional deputies prior to taking into custody a potentially dangerous individual who may be mentally ill. Depending on the situation, deputies should consider continuing to communicate with the person in an attempt to lower any aggressive or agitated state and gain voluntary compliance.

Once a decision has been made to take an individual into custody, remove any dangerous weapons from the immediate area and restrain the individual. Using restraints on mentally ill persons may aggravate their aggression. Deputies should be aware of this fact, but should take those measures necessary to protect their safety.

An incident report will be completed whether or not the individual is taken into custody.

A COPY OF THE REPORT SHOULD BE ROUTED TO THE CRISIS INTERVENTION TEAM FOR REVIEW.

Ensure that the report is detailed concerning the circumstances of the incident and the type of behavior that was observed. Terms such as "out of control" or "mentally ill" should be replaced with descriptions of the specific behaviors observed.

# Emergent Detentions

## 418.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under an emergent detention (RCW 71.05.153).

## 418.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to protect the public and individuals through legal and appropriate use of the emergent detention process.

### 418.2.1 MENTAL HEALTH DETENTIONS

- (a) A non-emergent detention is defined as one where the mentally disabled subject presents a likelihood of serious harm; or is gravely disabled. In such cases, deputies may take the subject into custody only when:
  - 1. The mentally disabled person has been evaluated by a designated mental health professional; and
  - 2. Upon determining the need for detention, the mental health professional has filed a petition for initial detention; and
  - 3. The mental health professional has requested that the deputy take the subject into custody and have him or her placed in a treatment facility (RCW 71.05.150).
- (b) An emergent detention is defined as one where, as the result of a mental disorder a person presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled. In such cases, deputies may take the subject into custody only (RCW 71.05).
  - 1. At the written or oral request of a designated mental health professional who has evaluated the subject and determined the need for an emergent detention, or
  - 2. When the deputy has reasonable cause to believe that the person is in need of emergent detention.
- (c) Emergent detentions based upon the written or oral request of a designated mental health professional evaluation will be 72-hour holds. Emergent detentions based upon the deputy's reasonable cause will be 12-hour holds.
- (d) In all circumstances where a person is taken into custody on a mental health detention, the deputy shall also provide a verbal summary to an Emergency Department staff member regarding the circumstances leading to the involuntary detention.

### 418.2.2 RESTRAINTS

If the patient is violent or potentially violent, the deputy will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints

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are desired, the deputy will wait while they are being applied to help provide physical control of the patient, if needed.

### **418.2.3 SECURING OF WEAPONS**

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's unit.

### **418.3 AUTHORITY**

A deputy who has reasonable cause to believe that a person is suffering from a mental disorder or a substance abuse disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, or the emergency department of a local hospital (RCW 71.05.153).

A deputy may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written or oral request of a crisis responder designated by the county or other authority who has determined that the person, as the result of a mental disorder or substance abuse disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

A deputy shall take a person who is the subject of a written court order for apprehension issued pursuant to RCW 71.05.201 into initial detention, and transport the person to the designated facility or emergency room as determined by the designated crisis responder (RCW 71.05.201).

### **418.3.1 VOLUNTARY EVALUATION**

If a deputy encounters an individual who may qualify for an emergent detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergent detention.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation deputies should proceed with the emergent detention, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

### **418.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any deputy handling a call involving an individual who may qualify for an emergent detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

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- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Emergent detentions should be preferred over arrest for individuals with mental disorders, who are suspected of committing minor crimes or creating other public safety issues.

### **418.5 TRANSPORTATION**

When transporting any individual for an emergent detention, the transporting deputy should have Central Communications notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift Sergeant approval is required before transport commences.

### **418.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the deputy should provide the staff member with the written application for an emergent detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

### **418.7 DOCUMENTATION**

The deputy should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the emergency application for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary emergent detention.

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### **418.8 CRIMINAL OFFENSES**

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergent detention should resolve the criminal matter by forwarding the report to the Prosecutors Office for review or charging, as appropriate.

When an individual who may qualify for an emergent detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergent detention.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergent detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

### **418.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for an emergent detention, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

#### **418.9.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

Weapons taken into custody for safekeeping under section 418.9 will be returned to the lawful owner upon request unless the seizing deputy or the assigned detective has placed a hold on the weapons pending a petition for retention, the petition has been granted, or is pending before the court. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, property room personnel shall be required to ensure the person is legally eligible to possess the weapon.

## *Emergent Detentions*

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In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon shall be eligible for release to the lawful owner or other authorized individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon.

### **418.10 TRAINING**

This office will endeavor to provide office-approved training on interaction with mentally disabled persons, emergent detentions and crisis intervention.

# Crisis Intervention Team

## 419.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to the employees of the Kitsap County Sheriff's Office when using members of the Crisis Intervention Team (CIT).

## 419.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to provide a team, of specially trained Deputies who will work with the community to provide service to mentally unstable persons in crisis.

## 419.3 OVERVIEW AND COMMUNITY PARTNERSHIP

The Crisis Intervention Team (CIT) program is a community effort enjoining both law enforcement and the community for the common goals of safety, understanding, and service to individuals (and their families) who are mentally unstable and in crisis. This instability may be due to any number of factors, including alcohol/drug dependency, emotional trauma, or some form of mental illness.

The CIT program provides an avenue for the development of community partnerships and the collaboration of working together for community interest of service and care regarding those with mental disorders. CIT recognizes people with mental disorders require special care, treatment, and service. CIT is about doing the right thing for the right reason.

### 419.3.1 GOALS AND MISSION

The goal of the Crisis Intervention Team (CIT) is the diversion of certain persons suffering from mental health disorders away from the criminal justice system and toward treatment through referrals to the proper social agencies, whenever available and appropriate.

The mission of CIT is to use understanding and skills gained through specific training and experience to identify and provide a safe, effective and compassionate response to law enforcement situations involving people in mental health crisis.

CIT is a commitment for change that brings together a true partnership between law enforcement, persons suffering from mental illness or other mental health disorders, their families and the mental health community.

## 419.4 ROLE AND FUNCTION

A primary function of CIT is to assist as needed, the Patrol Division in providing a supportive response to certain crisis situations. These situations involve subjects that are suspected of or have been diagnosed with a mental illness or other mental disorders and who are experiencing a severe crisis. The Crisis Intervention Officer (CIO) will bring additional skills that could prove beneficial in addressing the current crisis as well as provide referrals to resources that the subject in crisis could benefit from.

## *Crisis Intervention Team*

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### **419.5 SELECTION AND TRAINING**

The CIT will include a Sergeant who will act as the team coordinator. Other team members will consist of Sergeants and Deputies from Patrol and other investigative divisions within the Kitsap County Sheriff's Office.

- Selection of Crisis Intervention Team members
  - Openings are to be announced through an internal office communication to all eligible Sergeants and Deputies.
  - Minimum qualifications will be listed
  - Application Process will be listed
  - Screening Process will be listed
- Training
  - All those selected will complete a 40-hour CIT certification class
  - CIT members will be provided continuing education training
  - CIT members are encouraged to seek out and attend when authorized; additional training that would benefit and further advance their skills and that of the team.

### **419.6 RESPONSE PROCEDURE**

All responses to calls involving suspected or confirmed cases of mental illness will follow the Sheriff's Office policy 417 "Responding to Persons with Mental Illness". An involuntary or emergent mental illness commitment will follow the Sheriff's Office policy "Mental Illness Commitments".

When on duty and available, the CIO should respond when requested by fellow officers to assist with calls for services involving subjects in a suspected mental health crisis. The CIO may also be requested to assist during investigative interviews and interrogations of subjects where mental illness is believed to be a factor.

All outside agency requests for a CIO response will be approved by the on-duty supervisor.

When the circumstances warrant the activation of the SWAT Team, continued use of the CIO will be at the discretion of the SWAT Team Leader and/or the Crisis Negotiation Team Leader.

If no CIT member is on duty, the on-duty supervisor may choose to contact the off-duty CIO team leader or an off-duty CIO for a consult or possible call out.

When not acting in the capacity of a CIO, the team member will perform their normal duty functions.

### **419.7 RESPONSIBILITIES OF THE RESPONDING CRISIS INTERVENTION OFFICER**

If the CIO is dispatched to a scene with a subject in crisis due to a mental disorder, they will need to evaluate what, if any additional resources are needed at the scene and make those requests.



## *Crisis Intervention Team*

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When the CIO is dispatched as a secondary officer, their primary responsibility is to assist the lead officer assigned to the case. Backup officers on scene should consider where they physically position themselves so as to not overwhelm the subject in crisis while at the same time being available to immediately assist as needed. Officer safety will never be jeopardized.

Upon arrival at any scene, the CIO will gather as much information as possible from officers, witnesses, family, etc. After being briefed on the situation, the CIO should assume operational control of the communication with the person in crisis with the goal of bringing the current situation to a successful conclusion. The CIO (with input from the lead officer and/or supervisor) will decide if an involuntary mental illness commitment will take place.

If the subject in crisis is not taken into custody for an involuntary commitment, the CIO will assist as needed by providing outside agency referral information for further care of the subject. If the subject needs to be transported, the CIO may be the best choice so as to continue dialogue with the subject. The CIO will be expected to write a supplemental report documenting his/her actions.

### **419.8 ALERT FILE**

Officers (to include CIT members) in contact with subjects suffering from what appears to be a mental disorder crisis may submit a request for an entry into the I/Leads Name Screen Alert/Notes File. The entry into the Name Screen of I/Leads can provide important information for officers who have contacts with the same subject in future crisis situation. The Name Screen entry request will be submitted to CIT who will further review the request to determine if it is an appropriate entry. If it is determined that the provided alert information will be entered into the Name Screen Alert/Notes File, a designated CIO will make the entry. The entry will describe unusual behaviors exhibited by the subject. The entry will not be a diagnosis of a mental health condition. The entry will include the date and CIO's name/badge # that makes the entry. Besides describing behaviors observed, the entry may also include the following:

- Triggers that may cause stress in the subject
- What calms and brings focus for the subject
- Names and contact information for friends, family or case workers who can help in the time of crisis

## Citation Releases

### 420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Kitsap County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

### 420.2 POLICY

The Kitsap County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

### 420.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by a deputy whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor (Criminal Rules, CrRLJ 2.1(b)(1)).

In general, suspected offenders should only be released on a citation and notice to appear in court for misdemeanor or gross misdemeanor traffic offenses not listed in sec.420.4 of this policy. If the subject is to be released it is generally preferable to document the incident in a report and forward the case to the Prosecutor for review.

### 420.4 PROHIBITIONS

The release of a suspected offender on a citation and notice to appear is not permitted when:

- (a) A person has been arrested pursuant to RCW 10.31.100(2) (restraining orders).
- (b) A deputy has probable cause to believe that the person arrested has violated RCW 46.61.502 (DUI) or RCW 46.61.504 (physical control of a vehicle while DUI) or equivalent local ordinance and the deputy has knowledge that the person has a prior offense as defined in RCW 46.61.5055 (alcohol and drug violators) within the last 10 years, or that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense under RCW 46.61.5055 if it were a conviction (RCW 10.31.100; Criminal Rules, CrRLJ 3.2(o)(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

### 420.5 CONSIDERATIONS

In determining whether to cite and release a person, deputies shall consider whether (Criminal Rules, CrRLJ 2.1(b)(2)):

- (a) The suspected offender has identified him/herself satisfactorily.

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## *Citation Releases*

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- (b) Detention appears reasonably necessary to prevent imminent bodily harm to the suspected offender or another, property damage or breach of the peace.
- (c) The suspected offender has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he/she will refuse to respond to the citation and notice.
- (d) The suspected offender previously has failed to appear in response to a citation and notice issued pursuant to the court rule or to other lawful process.

# Arrest or Detention of Foreign Nationals

## 422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Kitsap County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 422.2 POLICY

The Kitsap County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 422.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 422.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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### *Arrest or Detention of Foreign Nationals*

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers

#### **422.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **422.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

# Kitsap County Sheriff's Office

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## Arrest or Detention of Foreign Nationals

<b>Diplomatic Agent</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note a)	Yes	Yes	Yes	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts. Testimony may not be compelled in any case.	No for official acts. Yes otherwise (note a).	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note a)	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
<b>Int'l Org Staff (note b)</b>	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts. Yes otherwise (note c).	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise.	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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## *Arrest or Detention of Foreign Nationals*

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- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

# Rapid Response and Deployment

## 424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

## 424.2 POLICY

The Kitsap County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

## 424.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

## 424.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:



## *Rapid Response and Deployment*

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel, This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (SWAT and/or Crisis negotiation team response).

### **424.5 PLANNING**

The Patrol Division Chief should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

## *Rapid Response and Deployment*

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### **424.6 TRAINING**

The Training Officer should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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# Reporting Police Activity Outside of Jurisdiction

## **426.1 PURPOSE AND SCOPE**

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Kitsap County Sheriff's Office.

### **426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY**

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Sergeant. If the request is of an emergency nature, the deputy shall notify Central Communications before responding and thereafter notify a supervisor as soon as practical.

### **426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY**

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Kitsap shall notify his/her supervisor or the Shift Sergeant at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Sergeant as soon as practical.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Chief.

# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Kitsap County Sheriff's Office for investigating and enforcing immigration laws.

## 428.2 POLICY

It is the policy of the Kitsap County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Washington Constitutions.

## 428.4 ENFORCEMENT

A deputy may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

### 428.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Washington Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.

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- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Other factors based upon training and experience.

### **428.4.2 IMMIGRATION CHECKS**

Immigration status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

A deputy shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the deputy should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

### **428.4.3 SUPERVISOR RESPONSIBILITIES**

When notified that a deputy has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.
- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
  - 1. Transfer to federal authorities.
  - 2. Lawful arrest for a criminal offense or warrant.

### **428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, a deputy will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. Notification will be handled according to jail operation

## *Immigration Violations*

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procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

### **428.6 ICE REQUEST FOR ASSISTANCE**

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

### **428.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

### **428.8 U VISA AND T VISA NON-IMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by a deputy in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by a deputy in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Kitsap County Prosecutor's Office.

If an application is processed by the department it shall be forwarded in a timely manner to the Detective Division supervisor assigned to oversee the handling of any related case. The Detective Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

## *Immigration Violations*

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- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

### **428.9 TRAINING**

The Training Officer shall ensure that all appropriate members receive immigration training.

## Emergency Utility Service

### 430.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this department should be handled in the following manner.

#### 430.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical via Central Communications.

#### 430.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should respond to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

#### 430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works, the West Sound Utility District, and/or the Kitsap Public Health District maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

If a breach of a secured water treatment or water storage facility/property is reported and/or witnessed, members shall contact Kitsap Public Health District on their 24hr contact number.

Members shall also write an incident report and forward it to Public Works, the West Sound Utility District, and the Kitsap Public Health District.

#### 430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by Central Communications.

### 430.2 TRAFFIC SIGNAL MAINTENANCE

Upon observing a damaged or malfunctioning signal, the deputy will advise the Central Communications of the location and problem with the signal.



# Aircraft Accidents

## 434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 434.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 434.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 434.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

## 434.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

## *Aircraft Accidents*

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### **434.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### **434.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene supervisor should ensure the accident is still appropriately investigated and documented.

### **434.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

## *Aircraft Accidents*

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

### **434.8 DOCUMENTATION**

All aircraft accidents occurring within the County of Kitsap shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of KCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **434.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### **434.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

### **434.9 MEDIA RELATIONS**

The Public Information Officer should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community.

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## *Aircraft Accidents*

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Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Public Information Officer should coordinate with other involved entities before the release of information.

# Field Training Officer Program

## 436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Kitsap County Sheriff's Office.

It is the policy of this department to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

## 436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

### 436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, two of which shall be with this department.
  - 1. This requirement may be reduced if the applicant has prior experience as an FTO with another agency.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Holds a valid Peace Officer Certificate with CJTC.

### 436.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

## 436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol Division Chief or his/her designee and shall possess a CJTC Supervisory Certificate.

The responsibilities of the FTO Program Supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.

## *Field Training Officer Program*

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- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

### **436.4 TRAINEE DEFINED**

Any entry level or lateral sheriff's deputy newly appointed to the Kitsap County Sheriff's Office who has not been released to solo patrol.

### **436.5 REQUIRED TRAINING**

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 60 evaluated training days.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of 30 evaluated training days.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

#### **436.5.1 FIELD TRAINING MANUAL**

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Kitsap County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Kitsap County Sheriff's Office.

### **436.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **436.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

## *Field Training Officer Program*

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### 436.6.2 FIELD TRAINING PROGRAM SUPERVISOR

The Field Training Supervisor will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

### 436.6.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

### **436.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) A Letter of Completion certifying that the trainee has successfully completed the probationary period of review including the required number of hours of field training.

## Obtaining Air Support

### **438.1 PURPOSE AND SCOPE**

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### **438.2 REQUEST FOR HELICOPTER ASSISTANCE**

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### **438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

After consideration and approval of the request for a helicopter, the Shift Sergeant, or his/her designee, will call the closest agency having helicopter support available. The Shift Sergeant on duty will apprise that agency of the specific details of the incident prompting the request.

#### **438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED**

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.



## Detentions And Photographing Detainees

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available to them at the time of the detention.

### 440.2 DEFINITIONS

**Detention** - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when a deputy actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the deputy's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Frisk or Pat-Down Search** - This type of search is used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

### 440.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

## *Detentions And Photographing Detainees*

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- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

### 440.3.1 INITIATING A FIELD INTERVIEW

A deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Kitsap County Sheriff's Office to strengthen our community involvement, community awareness and problem identification.

### 440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred. Deputies should seek consent to record such statements whenever possible.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a statement. Such witnesses, if willing, may be transported by department personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor,

## *Detentions And Photographing Detainees*

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consent should be obtained from the parent or guardian, if available, prior to transportation.

### **440.4 PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the deputy has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by deputies of the same gender.

### **440.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the deputy shall carefully consider, among other things, the factors listed below.

#### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should document the consent in a report as near verbatim as possible.

#### **440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

## *Detentions And Photographing Detainees*

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All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

### **440.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

### **440.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled with the case number and submitted to the Shift Sergeant with an incident report explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures. If the photo and associated incident report is relevant to criminal street gang enforcement, the Shift Sergeant will forward a copy of the photo and documents to the Gang Coordinator. The Gang Coordinator shall not retain copies longer than the established retention period for incident reports.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

# Criminal Organizations

## 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Kitsap County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 442.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 442.2 POLICY

The Kitsap County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for department use.

### 442.3.1 SYSTEM ENTRIES

It is the designated member's responsibility to approve the entry of any information into a criminal intelligence system operated by another entity and authorized by RCW 43.43.762. Entries into such a database shall be based upon reasonable suspicion of criminal activity or actual criminal activity, and must be supported by documentation, where documentation is available (RCW 43.43.762(2)).

## 442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

## *Criminal Organizations*

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### **442.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Officer to train members to identify information that may be particularly relevant for inclusion.

### **442.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

### **442.7 TRAINING**

The Training Officer should ensure training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system.
- (e) All users of the Washington criminal street gang database shall receive training on its use prior to accessing the database (RCW 43.43.762).

## Shift Sergeants

### **444.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

# Mobile Data Terminal Use

## 447.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Central Communications.

## 447.2 POLICY

Kitsap County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

## 447.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

## 447.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Sergeants.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

### 447.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.



## *Mobile Data Terminal Use*

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The operator may send or review short messages or review the map while the vehicle is in motion and shall ensure extra caution is taken to prevent unsafe driving conditions. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### **447.5 EQUIPMENT CONSIDERATIONS**

#### **447.5.1 MALFUNCTIONING MDT**

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Central Communications. Members shall report any malfunctions, including but not limited to the vehicle location system (AVL), to their supervisor as soon as possible. Supervisors shall ensure any repair or replacement is completed as soon as feasible.

# Medical Marijuana

## 450.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A.005 et seq.).

### 450.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

**Authorization** - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical marijuana.

**Designated provider** - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the qualifying patient and may only provide marijuana to the patient designated to the provider.

**Medical use of marijuana** - The manufacture, production, possession, transportation, delivery, ingestion, application or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

**Qualifying patient** - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana or has been entered into the medical marijuana authorization database and has been provided a recognition card.
- Has an authorization from his/her health care professional.
- Is not under supervision for a crime that does not allow for the use of medical marijuana.

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**Recognition Card** - A card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

### **450.2 POLICY**

It is the policy of the Kitsap County Sheriff's Office to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

Deputies should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Office.

### **450.3 INVESTIGATION**

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

- (a) No medicinal claim is made.
- (b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.
- (c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

#### **450.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the deputy should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

#### **450.3.2 EXCESS AMOUNTS OR NO AUTHORIZATION**

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no authorization when initially contacted by law enforcement (RCW 69.51A.045).

## *Medical Marijuana*

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Deputies should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if a deputy can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.043).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

Deputies may only seize marijuana, cannabis products, and marijuana plants in excess of the allowed amount. The subject shall be given the choice of which plants to keep within the allowed limits.

### 450.3.3 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, deputies should consider the following:

- (a) Whenever the initial investigation reveals an amount greater than specified by law, deputies should, in anticipation of an affirmative defense, consider and document:
  - 1. The medical condition itself.
  - 2. The quality of the marijuana (chemical content).
  - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
  - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  - 5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.
- (b) Before proceeding with enforcement related to collective gardens, cooperatives or commercial producers, deputies should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues (WAC 314-55-410).
- (c) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).
- (d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.120.020).
- (e) A medical endorsement can be added to a marijuana retail license to allow a retailer to sell marijuana for medical use to qualifying patients and designated providers. Transaction limits apply (WAC 314-55-080; WAC 314-55-095).
- (f) The Washington State Department of Health maintains a Medical Marijuana Authorization Database and regulates marijuana retail outlets with medical marijuana

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endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-010 et seq.).

### **450.4 EXCEPTIONS**

This policy does not apply to the following offenses; deputies may take enforcement action if the person (RCW 69.51A.060):

- (a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.
- (b) Uses or displays medical marijuana in a manner or place open to the view of the public.
- (c) Produces fraudulent documentation.

### **450.5 FEDERAL LAW ENFORCEMENT**

Deputies may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or whenever the deputy reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

### **450.6 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES**

The Property and Evidence Unit Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed.

Upon a determination by the prosecuting attorney that the person from whom marijuana, drug paraphernalia or related property was seized is entitled to possession under the law, the Supervisor should return to that person drug paraphernalia or other seized property. That determination is the result of a decision not to prosecute, by the dismissal of charges or an acquittal. Marijuana plants, useable marijuana, or cannabis products may not be returned to that person.

The Property and Evidence Unit Supervisor may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Property and Evidence Unit Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Division Supervisor.

# Bicycle Patrol Unit

## 452.1 PURPOSE AND SCOPE

The Kitsap County Sheriff's Office has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

## 452.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Sergeant.

## 452.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation will be selected by the Sheriff or his designee. Personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.
- (e) Any other criteria the Bicycle Patrol Unit supervisor determines is important.

### 452.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Patrol Division Chief or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle deputies.
- (e) Coordinating activities with the Patrol Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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### **452.4 TRAINING**

Participants in the program must complete an initial department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol deputies should receive yearly approved training to improve skills and refresh safety, health and operational procedures. Failing to attend annual training could result in suspension from the unit until the training is attended. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

### **452.5 UNIFORMS AND EQUIPMENT**

Deputies shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches and department-approved bicycle patrol pants or shorts, or a department approved jumpsuit.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol deputies should carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Deputies will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

### **452.6 CARE AND USE OF PATROL BICYCLES**

Deputies may be assigned an equipped patrol bicycle and detachable gear bag. With the bicycle patrol unit supervisors approval, deputies may use their properly equipped personal bicycle.

Bicycles are considered vehicles and therefore are subject to all laws, regulations, and privileges applicable to other vehicles operated upon the highway (RCW 46.04.670).

Bicycles utilized during hours of darkness for uniformed bicycle patrol shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol should be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag should include a first aid kit, tire pump, repair tool and tire tube.

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Bicycle deputies shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Deputies are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle deputy, an IOC describing the repair work needed will be completed and forwarded to the program supervisor.

Each bicycle will have maintenance performed by a department approved repair shop/technician as needed.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Deputies shall not remove, modify or add components to a patrol bicycle except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the deputy's immediate presence.

#### **452.7 DEPUTY RESPONSIBILITY**

Deputies must operate the bicycle in compliance with applicable codes under normal operation. Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted only with emergency lights and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).



# Homeless Persons

## 460.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Kitsap County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Kitsap County Sheriff's Office will address these needs in balance with the overall missions of this department. Therefore, deputies will consider the following policy sections when serving the homeless community (see the Emergent Detentions Policy).

### 460.1.1 POLICY

It is the policy of the Kitsap County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

## 460.2 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

### 460.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

## *Homeless Persons*

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- (e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.
- (h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

### **460.3 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the on duty supervisor if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the area Sergeant to address the matter in a timely fashion.

### **460.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS**

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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### **460.5 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

## Public Recording of Law Enforcement Activity

### 461.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 461.2 POLICY

The Kitsap County Sheriff's Office recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 461.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
  - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

### 461.4 OFFICER/DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

## *Public Recording of Law Enforcement Activity*

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### **461.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

### **461.6 SEIZING RECORDINGS AS EVIDENCE**

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# First Amendment Assemblies

## 462.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 462.2 POLICY

The Kitsap County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 462.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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### **462.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### **462.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Central Communications, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### **462.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### **462.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.



## *First Amendment Assemblies*

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 462.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

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### **462.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

### **462.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

### **462.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Electro-muscular-disruption-technology-device (EMDT)s should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **462.8 ARRESTS**

The Kitsap County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

### **462.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

### **462.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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### **462.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Central Communications records/tapes
- (g) Media accounts (print and broadcast media)

#### **462.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

### **462.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

## Civil Disputes

### 463.1 PURPOSE AND SCOPE

This policy provides members of the Kitsap County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

### 463.2 POLICY

The Kitsap County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 463.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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### **463.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **463.4.1 STANDBY REQUESTS**

In most cases, a standby will only be done pursuant to a court order.

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 26.50.080). Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

### **463.5 VEHICLES AND PERSONAL PROPERTY**

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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### **463.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

#### **463.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION**

Deputies possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (Chapter 284 § 1, 2017 Washington laws):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The deputy reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

A deputy should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

# Medical Aid and Response

## 464.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

## 464.2 POLICY

It is the policy of the Kitsap County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 464.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Central Communications and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Central Communications with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex and age, if known.
  - 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.



## *Medical Aid and Response*

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### **464.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

### **464.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **464.5.1 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an ill or injured arrestee to a hospital without a supervisor's approval.

## *Medical Aid and Response*

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### **464.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

### **464.7 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the health care practitioner who prescribed the overdose medication for use by the member (RCW 69.41.095).

#### **464.7.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the on-duty supervisor.

Any member who administers an opioid overdose medication should contact Central Communications as soon as possible and request response by EMS.

#### **464.7.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Officer will ensure that the Support Services Supervisor is provided enough information to meet applicable state reporting requirements.

#### **464.7.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Officer should ensure training is provided to members authorized to administer opioid overdose medication.

# Suspicious Activity Reporting

## 465.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 465.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Incident Report (SIR)** - An incident report used to document suspicious activity.

## 465.2 POLICY

The Kitsap County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 465.3 RESPONSIBILITIES

The Detective and Support Services Division Chief and authorized designees will manage SIR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Detective and Support Services Division Chief and authorized designees should, as resources are available, include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

## *Suspicious Activity Reporting*

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SIR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

### **465.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SIR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SIR and not included in the original incident report. The report number of the original incident should be included in the SIR as a cross reference. A SIR should be processed as any other incident report.

### **465.5 HANDLING INFORMATION**

The Records Division will forward copies of SIRs, in a timely manner, to the Detective Division supervisor or authorized designees.

## **Chapter 5 - Traffic Operations**

# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Kitsap County Sheriff's Office. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

## *Traffic Function and Responsibility*

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### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

### 500.3.2 CITATIONS AND NOTICES OF INFRACTION

Citations / notices of infraction may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation / notice of infraction for a traffic violation. Deputies should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

### 500.3.3 ARRESTS FOR TRAFFIC OFFENSES

Deputies may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in a deputy's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the deputy has probable cause to believe that a felony has been committed, whether or not it was in the deputy's presence
- (b) When the offense is one or more of the violations listed in RCW 10.31.100
- (c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the deputy has reasonable grounds to believe that the person to be cited will not respond to a written citation.

## **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If a deputy contacts a traffic violator who is also driving on a suspended or revoked license, the deputy should issue a traffic citation, forward a case report to the Prosecutors Office or make an arrest as appropriate.

### 500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES

If a deputy contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the deputy shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

## *Traffic Function and Responsibility*

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### **500.5 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

#### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

#### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

Each vest should be stored in such a manner to protect and maintain the vest in a serviceable condition. Each employee shall ensure a serviceable high-visibility vest is carried in their vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The appropriate Quartermaster should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

### **500.6 HAZARDOUS ROAD CONDITIONS**

The Kitsap County Sheriff's Office will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

### **500.7 TRAFFIC COMPLAINTS BY CROSSING GUARDS**

Crossing guards have the authority to submit reports to this department for certain violations occurring in and around crosswalks (RCW 46.61.275). Generally these reports may be for offenses involving a driver's failure to stop at a crosswalk or to exercise due care for pedestrians. Reports must be received no later than 72 hours after the violation occurred.

This department will give due consideration and will investigate, to a reasonable degree, reports of violations submitted by crossing guards, in an effort to identify the alleged violator. If the driver is identified and there is reasonable cause to believe a violation of RCW 46.61.235(5), RCW 46.61.245(2) or RCW 46.61.261(2) has occurred, a notice of traffic infraction should be issued.



## *Traffic Function and Responsibility*

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The Traffic Sergeant shall ensure that appropriate forms for reporting violations are available to crossing guards and that a procedure for investigating the reports received by this department is in place.

### **500.7.1 NOTIFICATION OF INFRACTION**

The Traffic Sergeant or a designee may initiate an investigation of the reported violation after receiving a report from a crossing guard. The investigator shall contact the last known owner of the violator vehicle and request the owner to supply information identifying the driver. If the driver is identified and there is reasonable cause to believe that a traffic violation has occurred, a notice of infraction may be served upon the driver of the vehicle (RCW 46.61.275(2)).

### **500.8 SCHOOL BUS SAFETY VIOLATIONS**

Any school district with buses properly equipped with visual signals as specified in RCW 46.37.190, including cameras that capture stop-arm violations, may report such violations to the Kitsap County Sheriff's Office whenever they occur within the department's jurisdiction.

The Traffic Sergeant should establish a report form and procedure for school districts to report school bus stop-arm violations (RCW 46.63.180 and RCW 46.61.370).

### **500.8.1 NOTIFICATION OF INFRACTION**

The Traffic Sergeant or the authorized designee should initiate an investigation of the reported violation after receiving a stop-arm violation report from a school district.

Issuance of a citation shall conform to state requirements (RCW 46.63.180 and RCW 46.61.370). The notice of infraction shall be mailed to the registered owner or renter, if applicable, of the vehicle within 14 days of the violation.

# Traffic Collision Reporting

## 502.1 PURPOSE AND SCOPE

The Kitsap County Sheriff's Office prepares traffic collision reports and makes traffic collision reports available to the community with some exceptions.

## 502.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be sent to the appropriate supervisor for approval and entry into the Records Management System. The Traffic Sergeant will be responsible for reports on traffic collision statistics to be forwarded to the Patrol Division Chief, or other persons as requested.

### 502.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. Once trained, deputies shall use SECTOR to complete all traffic collision reports and all applicable traffic infractions and citations. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift, unless approved by a supervisor.

## 502.3 REPORTING SITUATIONS

### 502.3.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Chief or designee

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

### 502.3.2 TRAFFIC COLLISIONS WITH SHERIFF'S OFFICE EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Kitsap County Sheriff's Office resulting in a serious injury or fatality, the Traffic Sergeant or the Shift Sergeant, after consultation with the Chief of Patrol may notify an outside agency for assistance.

## *Traffic Collision Reporting*

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The term serious injury is defined as any injury that may result in a fatality.

### **502.3.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS**

The Traffic Sergeant or on-duty Shift Sergeant, after consultation with the Patrol Chief may request assistance from an outside agency for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

### **502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

Traffic collision reports should not be taken for traffic collisions occurring on private property, unless there is a death or serious injury to any person involved, a hit-and-run violation, or applicable criminal RCW violation.

### **502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

Traffic collision reports should be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) Property damage exceeding the dollar amount currently established by WSP. If the collision involves a hit and run that does not meet the above criteria, the incident should be recorded using either traffic collision report (SECTOR), a case report (ILeads) or the department online reporting system if no suspect information is available.

In all cases where a traffic collision report is required by policy, the current state authorized form will be used to document the collision (RCW 46.52.070). SECTOR is the department authorized collision reporting system.

## **502.4 NOTIFICATION OF TRAFFIC UNIT SUPERVISION**

In the event of a serious injury or death related traffic collision, the Shift Sergeant shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Traffic Sergeant, the Shift Sergeant or any supervisor should notify the appropriate Patrol Lieutenant who may assign an accident investigator deputy to investigate the traffic collision, or authorize outside agency assistance.

# Vehicle Towing and Release

## 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Kitsap County Sheriff's Office.

## 510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

### 510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested the department contracted tow company will be requested.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call the department contracted tow company. The deputy will then impound the vehicle using the Washington Uniform Inventory Impound form.

### 510.2.2 DRIVING A NON-COUNTY VEHICLE

Vehicles which are to be towed at the direction of the Department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

### 510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the department contracted tow company.

### 510.2.4 RECORDS DIVISION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Kitsap County Sheriff's Office Patrol personnel will promptly attempt to notify the legal owner of the recovery (RCW 7.69.030(7)). If Patrol Personnel or CenCom are unable to contact the owner the Records Unit will continue to attempt contact.

## 510.3 TOWING SERVICES

The County of Kitsap periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

## *Vehicle Towing and Release*

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- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

### **510.4 STORAGE AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by deputies in determining whether to impound a vehicle pursuant to this policy include:

- (a) Whether the offense for which the subject was arrested mandates vehicle impound (i.e. DUI, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2); RCW 46.55.360).
- (b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (d) Whether the vehicle can be secured.
- (e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- (g) Whether the owner/operator requests that the vehicle be stored.
- (h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

## *Vehicle Towing and Release*

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### **510.5 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle impound form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

### **510.6 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If an inventory search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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## Vehicle Impound Hearings

### 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

### 512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Kitsap County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (RCW 46.55.240).

#### 512.2.1 HEARING PROCEDURES

The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in (a) of this subsection and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment. (RCW 46.55.120 (2))

# Impaired Driving

## 514.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

## 514.2 POLICY

The Kitsap County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

## 514.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

## 514.4 FIELD TESTS

Standardized Field Sobriety Tests recognized and instructed by the Washington State Criminal Justice Training Commission and the Washington State Patrol should be used when investigating violations of DUI laws.

## 514.5 CHEMICAL TESTS

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

- (a) The arresting deputy has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.
- (b) The arresting deputy has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).
- (c) The deputy has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

### 514.5.1 BREATH TESTS

The Washington State Patrol Breath Test Program should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.



## *Impaired Driving*

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Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Washington State Patrol Bremerton Communications Center.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308).

### **514.5.2 BLOOD SAMPLES**

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

### **514.5.3 STATUTORY NOTIFICATIONS**

A deputy requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

### **514.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, deputies shall:

- (a) Advise the arrestee of the requirement to provide a sample.
- (b) Document the refusal in the appropriate report.

#### **514.6.1 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency

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can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

### **514.6.2 FORCED BLOOD SAMPLE**

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (f) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

## **514.7 ARREST AND INVESTIGATION**

### **514.7.1 WARRANTLESS ARREST**

A deputy having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the deputy observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the deputy has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

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### **514.7.2 DEPUTY RESPONSIBILITIES**

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the deputy shall (RCW 46.20.308(5)):

- (a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.
- (b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).
- (c) Advise the person that his/her license or permit is a temporary license.
- (d) Through the Records Division, immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:
  - 1. The deputy had reasonable grounds to believe the person was DUI.
  - 2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.
- (e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the deputy shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

### **514.7.3 ADDITIONAL TESTING**

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of a deputy (RCW 46.61.506). Such testing will be done at the person's expense and they will take custody of the sample. If the person is booked into the jail the sample will be placed into evidence for safe keeping and released to them after their release pursuant to Property and Evidence procedures.

### **514.8 RECORDS DIVISION RESPONSIBILITIES**

The Support Services Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

### **514.9 TRAINING**

Deputies shall maintain their certification under the Washington State Breath Alcohol Test Program (BAC certification). The Training Officer should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, the BAC

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refresher course as required to maintain certification. The Training Officer should confer with the prosecuting attorney's office and update training topics as needed.

# Traffic Citations

## **516.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

## **516.2 RESPONSIBILITIES**

The Support Services Sergeant shall be responsible for ensuring that all Department traffic citations and infractions are in compliance with state law and the Judicial Council.

The Records Division shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

## **516.3 DISMISSAL OF TRAFFIC CITATIONS / INFRACTIONS**

Employees of this department do not have the authority to dismiss a citation or infraction once it has been issued. Only the court has the authority to dismiss a citation / infraction that has been issued. Any request from a recipient to dismiss a citation / infraction shall be referred to the appropriate court.

Should a deputy determine that a traffic citation / infraction should be dismissed in the interest of justice or where prosecution is deemed inappropriate prior to a court proceeding, the deputy should advise a supervisor who will then contact the Prosecutors Office to request the court to dismiss the citation / infraction.

Should a deputy determine during a court proceeding that a traffic citation / infraction should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation / infraction.

## **516.4 VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued.

## **516.5 CORRECTION OF TRAFFIC CITATIONS AND INFRACTIONS**

When a traffic citation / infraction is issued and in need of correction, the deputy issuing the citation shall contact the Traffic Unit Supervisor for direction.

## **516.6 DISPOSITION OF TRAFFIC CITATIONS AND INFRACTIONS**

Upon separation from employment with this department, all employees issued traffic citation / infraction books shall return any unused citations to the Records Division.

## **516.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing

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the juvenile a citation. Traffic citations and infractions cannot be issued to anyone under the age of 16, these violations should be documented in a case report and forwarded the Juvenile Court for filing.

## Disabled Vehicles

### 520.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

### 520.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

### 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### 520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### 520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 520.3.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

### 520.4 POLICY

It is the policy of the Kitsap County Sheriff's Office to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

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# Unauthorized 24 Hour Vehicle Violations

## 524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

## 524.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked noted below. No case number is required at this time (RCW 46.55.010(14)).

A notification sticker shall be applied in a visible location, the rear window should be marked with the date and time with a window marker and a visible chalk mark may be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking (RCW 46.55.085).

If a marked vehicle has been moved or the markings have been removed during a 24-hour investigation period, the vehicle shall be re-marked for another 24-hour period.

### 524.2.1 MARKED VEHICLE FOLLOW UP

Deputies and Citizens on Patrol (COPs) will assist with the follow up investigation of all 24 hour vehicle violations initiated by the Department. If a marked vehicle has current Washington registration plates, the Deputy / Citizen on Patrol shall check the records to learn the identity of the last owner of record. The Deputy / Citizen on Patrol shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

### 524.2.2 VEHICLE STORAGE

A deputy / Citizen on Patrol may impound any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The deputy / Citizen on Patrol authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Division immediately following the storage of the vehicle (RCW 46.55.075(2)).



## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 INITIAL INVESTIGATION

### 600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Sergeant.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### 600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

### **600.3.3 ARRESTS BY PRIVATE PERSONS**

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of RCW 9A.16.020 (felonies, retail theft, etc.) Any deputy presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no probable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  - 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
  - 2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is probable cause to believe that a private person's arrest is lawful, the deputy shall take a written statement from the person who has made the arrest. In addition, the deputy may exercise one of the following options:
  - 1. Take the individual into physical custody for booking.
  - 2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

#### **600.4.1 AUDIO/VIDEO RECORDINGS**

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense may be recorded (audio or video with audio as available).

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original

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recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. Deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters

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information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

### **600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

### **600.8 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Chief or their designee. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

# Asset Forfeiture

## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Kitsap County Sheriff's Office seizes property for forfeiture or when the Kitsap County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the department and the assigned attorney.

**Property subject to forfeiture** - Generally includes, but is not limited to:

- (a) Firearms that were carried, possessed or sold illegally (RCW 9A.41.098).
- (b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9A.46.231).
- (c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9A.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).
- (d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).
- (e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9A.68A.100), promoting commercial sexual abuse of a minor (RCW 9A.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).
- (f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).
- (g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

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- (h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).
- (i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

#### **606.2 POLICY**

The Kitsap County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Kitsap County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

##### **606.2.1 SPECIAL GUIDELINES APPLICABLE TO CONVEYANCES**

Special guidelines apply regarding the forfeiture of conveyances (aircraft, vehicles and vessels) in order for it to be seized as a conveyance that has been used to facilitate narcotic activity. All conveyances are subject to seizure and forfeiture, except (RCW 69.50.505(1)(d)):

- When the conveyance is used by any person as a common carrier in the transaction of business as a common carrier, unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of the narcotics violations.
- When violations have been committed or omitted without the owner's actual knowledge or consent.
- When the conveyance is used in the receipt of an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.4014.
- When the conveyance is secured by a loan and the lender had no knowledge of, nor consented to, the act or omission.
- When the owner of a conveyance has been arrested for narcotics violations, the conveyance in which the person was arrested is not subject to forfeiture unless it is either seized or a court order has been issued for its seizure within 10 days of the owner's arrest.

#### **606.3 ASSET SEIZURE**

Property may be seized for forfeiture as provided in this policy.

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### 606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
  - 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9A.46.231).
  - 2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9A.68A.100; RCW 9A.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070) (RCW 9A.88.150).
  - 3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
  - 4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
  - 5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

### 606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.



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- (c) No vehicle or other conveyance based on a misdemeanor involving marijuana (RCW 69.50.505).
- (d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 69.50.505).

### **606.3.3 SEIZED VEHICLES**

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The deputy seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

### **606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

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### **606.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Unit Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

### **606.6 FORFEITURE REVIEWER**

The Sheriff will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.

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2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  3. A space for the signature of the person from whom cash or property is being seized.
  4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
  2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
    - (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
    - (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
  4. Property is promptly released to those entitled to its return.
  5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to deputies.

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9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
  - (i) Ensuring that a written plan is available that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
  - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
  - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Kitsap County Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.
  - (l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).
  - (m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives.

### **606.7 DISPOSITION OF PROPERTY**

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

# Informants

## 608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Kitsap County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Kitsap County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

## 608.2 POLICY

The Kitsap County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 608.3 USE OF INFORMANTS

### 608.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

### 608.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Sheriff or the authorized designee

### 608.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement.

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A supervisor should meet the informant with the deputy prior to the informant signing the agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

### **608.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Division Chief, Detective Division supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Kitsap County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Detective Division supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Detective Division supervisor.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### **608.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant

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provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

### **608.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Detective Division. The Detective Division supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Division Chief, Detective Division supervisor or their authorized designees.

The Detective and Support Services Division Chief should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Detective Division supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### **608.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases

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- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the deputy initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

### **608.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Detective Division supervisor will discuss the above factors with the Detective Division Chief and recommend the type and level of payment subject to approval by the Sheriff.

#### **608.6.1 PAYMENT PROCESS**

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Detective Division buy/expense fund.
  - 1. The Detective Division supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 but less than \$1500 will require the authorization of the Detective Lieutenant. Payments exceeding \$1500 will require the of the Chief of Detectives.



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- (c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
  - 1. The cash transfer form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Kitsap County Sheriff's Office case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  - 2. The cash transfer form shall be signed by the informant.
  - 3. The cash transfer form will be kept in the informant's file.

### 608.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

### 608.6.3 AUDIT OF PAYMENTS

The Detective Division supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

### 610.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 610.2 POLICY

The Kitsap County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 610.3 INTERPRETIVE SERVICES

Deputies should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating deputy should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

### **610.5 EYEWITNESS IDENTIFICATION**

Deputies are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Deputies should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### **610.6 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

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stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### **610.7 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

### **610.8 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

# Brady Material Disclosure

## 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") that the Sheriff's Office has a duty provide to a prosecuting attorney.

### 612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Kitsap County Sheriff's Office that is favorable to the defense of a criminal defendant, either because it is exculpatory or because it is impeaching.

## 612.2 POLICY

The Kitsap County Sheriff's Office will conduct fair and impartial criminal and internal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Kitsap County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is favorable to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

## 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Members must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a member learns of potentially incriminating or exculpatory information any time after submission of a case, the member or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information relevant to the investigation is believed to be privileged or confidential (e.g., confidential information or personnel files); the member should discuss the matter with a supervisor to determine the appropriate manner in which to proceed.

Supervisors who are uncertain about whether evidence or facts are Brady Information should address the issue with their Lieutenant or Division Chief. If the Lieutenant or Division Chief believe the information is Brady Information or if they have questions they should contact the appropriate legal advisor at the Prosecutors Office.

## 612.4 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

# Unmanned Aerial System (UAS) Operations

## 613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 613.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

## 613.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 613.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

## *Unmanned Aerial System (UAS) Operations*

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

### **613.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

### **613.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.



## *Unmanned Aerial System (UAS) Operations*

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- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

### **613.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

# Sexual Assault Investigations

## 614.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 614.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 614.2 POLICY

It is the policy of the Kitsap County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 614.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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### **614.4 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **614.5 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating with victims to minimize trauma.
  - 7. The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.
  - 8. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

### **614.6 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### **614.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Central Communications, should be the health and safety of the victim, the preservation of

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evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

### **614.7.1 POLYGRAPH EXAMINATION OF VICTIM**

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

### **614.7.2 VICTIM PERSONAL REPRESENTATIVE**

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

## **614.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

## *Sexual Assault Investigations*

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### **614.8.1 COLLECTION AND TESTING REQUIREMENTS**

Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when an adult victim has consented to the submission or the victim is an unemancipated person 17 years of age or younger (RCW 70.125.090).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### **614.8.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM**

Members investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

### **614.8.3 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

### **614.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Division supervisor.

Classification of a sexual assault case as unfounded requires the Detective Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

### **614.10 CASE REVIEW**

The Detective Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

# Kitsap County Sheriff's Office

LE Policies

## *Sexual Assault Investigations*

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The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

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## Warrant Service

### 615.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

### 615.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 615.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 615.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 615.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

## *Warrant Service*

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### **615.6 WARRANT PREPARATION**

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### **615.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).



## Warrant Service

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

### **615.8 DETENTIONS DURING WARRANT SERVICE**

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

### **615.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

### **615.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

## *Warrant Service*

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Kitsap County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Kitsap County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Sergeant should assume this role.

If deputies intend to serve a warrant outside Kitsap County Sheriff's Office jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Kitsap County Sheriff's Office when assisting outside agencies or serving a warrant outside Kitsap County Sheriff's Office jurisdiction.

### **615.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

### **615.12 TRAINING**

The Training Officer should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

# Operations Planning and Deconfliction

## 616.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 616.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 616.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 616.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

## 616.4 RISK ASSESSMENT

### 616.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

## *Operations Planning and Deconfliction*

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

### 616.4.2 RISK ASSESSMENT REVIEW

deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

### 616.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. Special Weapons and Tactics Team (SWAT)
  - 2. Additional personnel
  - 3. Outside agency assistance
  - 4. Special equipment
  - 5. Medical personnel
  - 6. Persons trained in negotiation
  - 7. Additional surveillance

## *Operations Planning and Deconfliction*

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8. Canines
  9. Property and Evidence Unit or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
  - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
  - (d) Coordinate the actual operation.

### **616.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

### **616.6 OPERATIONS PLAN**

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

### **616.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

### **616.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

## *Operations Planning and Deconfliction*

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operations director to ensure that Central Communications is notified of the time and location of the operation prior to deputies arriving at the location.
  - 2. If the radio channel needs to be monitored by Central Communications, the dispatcher assigned to monitor the operation should attend the briefing, if practicable.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

### **616.8 SWAT PARTICIPATION**

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

### **616.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

### **616.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

## *Operations Planning and Deconfliction*

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### **616.11 TRAINING**

The Training Officer should ensure deputies and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.



## **Chapter 7 - Equipment**

## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property shall be governed by the applicable Collective Bargaining Agreement.

#### 700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

## *Department Owned and Personal Property*

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### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Chief.

# Personal Communication Devices

## 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

## 702.2 POLICY

The Kitsap County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

## 702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

## 702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Any personal use of the of the PCD shall not incur any additional expense to the Department. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

## *Personal Communication Devices*

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### **702.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members should be aware their work-related communications may be deemed public records.
  - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Sheriff.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Sheriff or the authorized designee.
- (f) Use of a personally owned PCD at work or for work-related business may require the member to disclose all work-related communications or sign an affidavit declaring that no work-related communications exist on the personally owned PCD in response to litigation, public records retention and release obligations, and internal investigations.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Kitsap County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. This does not relieve a member from the duty to provide a home contact number in the Standards of Conduct policy. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

## *Personal Communication Devices*

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### **702.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs for personal business to authorized break times, unless an emergency exists.
- (b) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (c) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.
- (d) Members will not access social networking sites for any purpose that is not official department business, except during meal and break periods.
- (e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

### **702.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

## *Personal Communication Devices*

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Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **702.9 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.

# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation or communication shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork or communication shall be promptly forwarded to the county shop personnel for repair.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 704.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle routinely and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher
- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

### 704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher



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- Personal Protective Equipment per the Communicable Diseases and Body Armor policies

### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

### **704.5 VEHICLE CLEANLINESS**

All vehicle interiors should be kept clean. Vehicle exteriors should be kept as clean as weather conditions permit.

### **704.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees should not use marked vehicles unless exigent circumstances exist.

# Vehicle Use

## 706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the County of Kitsap to provide assigned take-home vehicles.

## 706.2 POLICY

The Kitsap County Sheriff's Office provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

## 706.3 USE OF VEHICLES

### 706.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) must have prior authorization. Members utilizing marked patrol vehicles for such purposes shall log onto the MDT with the required information.

### 706.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 706.3.3 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty consistent with any memorandum of understanding and collective bargaining agreement. If the vehicle is not equipped with a

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working MDT, the member shall notify Central Communications. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

### 706.3.4 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the equipment for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Chief approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

### 706.3.5 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

### 706.3.6 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

### 706.3.7 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

### 706.3.8 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

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### 706.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

### 706.3.10 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## **706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

### 706.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Sheriff or the authorized designee.

### 706.4.2 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the County of Kitsap is a prime consideration for assignment of a take-home vehicle. Members who reside more than 15 travel miles outside the County of Kitsap may be required to secure the vehicle at a designated location or the Department at the discretion of the Sheriff. Members who reside outside of Kitsap County must be within Kitsap County at the start of their shift. Members who reside outside of Kitsap are required to respond within 60 minutes of receiving an order to report for duty.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Division Chief gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes. The member's residence shall be within 15 travel miles of the County line. A take-home vehicle is not authorized when a ferry is part of the normal travel to their residence. Members are responsible for all tolls incurred while traveling to and from their residence.
- (c) Vehicles will not be used when off-duty except:

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1. In circumstances when a member has been placed on call by the Sheriff or Division Chiefs and there is a high probability that the member will be called back to duty.
  2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
  3. When the member has received permission from the Sheriff or Division Chiefs.
  4. When the vehicle is being used by the Sheriff, Division Chiefs or members who are in on-call administrative positions.
  5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  2. All weapons shall be secured while the vehicle is unattended.
  3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be locked in the trunk or gun mount or removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
  2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
  3. All firearms and MDT will be secured in the member's residence.
- (i) The member is responsible for ensuring the care and maintenance of the vehicle.

#### 706.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Kitsap County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those

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circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

### **706.4.4 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member should complete a note explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, annual inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

### **706.5 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

### **706.6 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collisions Reporting Policy). The Division Lieutenant will complete a collision review for all collisions involving a department vehicle.

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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### **706.7 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

### **706.8 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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# Cash Handling, Security and Management

## **707.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

## **707.2 POLICY**

It is the policy of the Kitsap County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

## **707.3 PETTY CASH AND INVESTIGATIVE FUNDS**

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing each petty cash and investigative fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports in a timely manner by the fund manager.

## **707.4 PETTY CASH TRANSACTIONS**

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

## **707.5 PETTY CASH AND INVESTIGATIVE FUNDS AUDITS**

The fund manager or the Office of Professional Standards (OPS) shall perform an audit annually. This audit requires that the fund manager or Office of Professional Standards personnel review the transaction ledger and verify the accuracy of the accounting. The fund manager or OPS personnel and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash or investigative funds audit and involve a member of the Office of Professional Standards.

A separate audit of each petty cash or investigative fund may be completed on a random date, approximately once each year by the County.



## *Cash Handling, Security and Management*

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### **707.6 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Detective Division supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

### **707.7 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

## **Chapter 8 - Support Services**

# Property and Evidence

## 800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

## 800.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence**- Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

## 800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly labeled, logged into the evidence database and placed in the designated property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. An incident report will be written to document the transaction

### 800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Enter all required data into the evidence database describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) After entry into the evidence database, print a barcoded label and affix to each package or envelope in which the property is stored.
- (c) When possible, place the label in the upper center portion of the bag.

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### *Property and Evidence*

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- (d) Mark each item of evidence with the case number and date booked. Evidence should be sealed when appropriate and marked with the officer's signature or initials and date. The marking and sealing of the evidence should be done as to not deface or damage the value of the property.
- (e) The original property form shall be submitted with the case report.
- (f) When the property is too large to be placed in a locker, the item may be secured at the Silverdale Central Office, South Office Evidence Area or South Shed storage facility. Enter the item as usual in the evidence database. Leave a barcoded label with a note where the item is stored in a locker to alert staff.
- (g) Evidence shall be packaged to avoid cross contamination.

#### 800.3.2 NARCOTICS AND DANGEROUS DRUGS

#### 800.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

#### 800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the property and evidence technician, or placed in the designated container for destruction.
- (c) All bicycles and bicycle frames will have a property label securely attached .
- (d) All cash shall be counted in the presence of two employees. The currency envelope shall be signed by each employee. The Shift Sergeant shall be contacted for cash in excess of \$1,000.

Found county owned property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

## *Property and Evidence*

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### **800.3.5 PROPERTY SUBJECT TO FORFEITURE**

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned deputy or detective to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

### **800.3.6 STORAGE OF SURRENDERED FIREARMS**

Deputies shall accept and store a firearm from any individual who has been ordered by a court under RCW 9.41.800 to surrender the firearm. The deputy receiving the firearm shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.
- (d) The Deputy will sign the firearm surrender form when supplied by the individual turning in the firearm(s).

The property and evidence technician shall store a firearm accepted pursuant to this policy.

### **800.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Fireworks.
- (d) Contraband.

#### **800.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. In high profile cases, knife and firearm boxes should be used to package these items. Generally syringes should not be taken into property unless special circumstances dictate the need. If a syringe needs to be collected, a syringe tube should be used to package syringes and needles.

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A property label shall be securely attached to the outside of all items or group of items packaged together.

### **800.4.2 PACKAGING NARCOTICS**

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, labeled, and placed in evidence. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be appropriately packaged, depending on the type of drug, in either plastic or paper packaging available in the property room. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property barcode label shall be attached to the outside of the container.

### **800.5 RECORDING OF PROPERTY**

The property and evidence technician receiving custody of evidence or property shall scan all items of evidence showing it has been received and where it is stored.

Any changes in the location of property held by the Kitsap County Sheriff's Office shall be noted in the evidence database.

### **800.6 PROPERTY CONTROL**

Each time the property and evidence technician receives property or releases property to another person, he/she shall record the transfer in the evidence database. For narcotics and dangerous drugs, the property technician shall weigh the items, including the packaging, every time the item is released to, or received from, another person.

Deputies desiring property for court should contact the property and evidence technician at least one day prior to the court day.

#### **800.6.1 EVIDENCE ANALYSIS**

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after booking of the property or evidence.

#### **800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

Evidence to be sent to the Crime Lab will be scanned as transferred to the new location in the electronic data base. Depending on the situation, the evidence may be shipped or delivered by a department employee to the lab.

The appropriate lab request form(s) will be transported with the property to the examining laboratory. The chain of custody will be properly documented.

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### 800.6.3 STATUS OF PROPERTY

The location of each item of evidence will be maintained and updated in the evidence data base to document the chain of evidence.

The property and evidence technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the evidence data base.

### 800.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

### 800.6.5 RELEASE OF PROPERTY

The Kitsap County Sheriff's Office shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the property and evidence technician shall make a reasonable attempt to identify the lawful owner.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010; RCW 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 or RCW 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. (RCW 63.32.030).
- (b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 (or RCW 63.40.020) and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Sheriff, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the County's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).
- (c) Destroy an item of personal property at the discretion of the Sheriff (or designee) if he/she determines that the following circumstances have occurred:

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1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and
2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and
3. The Sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Sheriff to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Sheriff if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded.

### **800.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Office may wish to file an interpleader to resolve the disputed claim.

### **800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The Detective Division will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this office.

### **800.6.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT**

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed or duplicated. Such material shall remain under the control of this office or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this office or a neutral facility as approved by the court (RCW 9.68A.001). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

## **800.7 DISPOSITION OF PROPERTY**

All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner



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has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

### 800.7.1 BIOLOGICAL EVIDENCE

The property and evidence technician shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Detective and Support Services Division Chief

Biological evidence shall be retained for a minimum period established by Washington law (RCW 5.70.010) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Detective and Support Services Division Chief.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Detective and Support Services Division Chief should be consulted.

### 800.7.2 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the property and evidence technician shall ensure confirmation of the following (RCW 9.41.345):

- (a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order.
- (b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080.
- (c) The firearm is not required to be held in custody or prohibited from release.
- (d) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement.

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- (e) Notification is made to those family or household members who have requested notification pursuant to established Office protocol (RCW 9.41.340).

- 1. Firearms shall be held in custody for 72 hours from the time notification is provided.

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

#### **800.7.3 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS**

If an extreme risk protection order is terminated or expires without renewal, a firearm taken or surrendered pursuant to the order shall be returned to the person after (RCW 7.94.100):

- (a) Confirming through a background check that the person is currently eligible to possess the firearm under federal and state law.
- (b) Confirming with the court that the extreme risk protection order is no longer in effect.
- (c) Notice has been provided to a family or household member who requested notification.

If an individual other than the restrained person claims title to any firearms surrendered or taken into custody, and that individual is determined to be the lawful owner and a lawful possessor of the firearm, the firearm shall be returned to that individual provided that he/she agrees to store the firearm in a manner that prevents the restrained person from access (RCW 7.94.090).

#### **800.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced spot audits shall be performed at least twice per year by the Office of Professional Standards.
- (c) An annual complete inventory audit of evidence held by the office shall be conducted at the direction of the Chief of Detectives and Support Services.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

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#### 800.8.1 PROPERTY AND EVIDENCE UNIT SECURITY

Access to the Kitsap County Sheriff's Office Property and Evidence Unit is restricted to authorized office personnel only. It shall be the responsibility of the property and evidence technician to control all access to the Property and Evidence Unit.

The property and evidence technician shall maintain a log of all persons entering the secured area of the Property and Evidence Unit. Personnel, other than those assigned to the Property and Evidence Unit, who have legitimate business in the secured area will be required to record their name, the date, time and purpose for entry.

# Records

## 802.1 PURPOSE AND SCOPE

The Support Services Supervisor shall maintain the Office Records Division Procedures Manual on a current basis to reflect the procedures being followed within the Records Division. Policies and procedures that apply to all employees of this office are contained in this chapter.

### 802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Division by Records Division personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 000001 starting at midnight on the first day of January of each year. As an example, case number 09-000001 would be the first new case beginning January 1, 2009. An alphabetical designator may also be used as an agency identifier and may be placed before the numeric for quick identification. As an example the letter "K" is currently used to designate KCSO from other user agencies as in K09-000001.

### 802.1.2 UNIFORM CRIME REPORTING

The Kitsap County Sheriff's Office participates in the Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Support Services Supervisor is responsible for ensuring that UCR/NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

## 802.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Division accessible only to authorized Records Division personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Sergeant.

Kitsap County Sheriff's Office employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with office policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

### 802.2.1 REQUESTING ORIGINAL REPORTS

Generally, completed original reports shall not be removed from the Records Division. All original reports removed from the Records Division shall be replaced by a colored placeholder in the file cabinet from which the report came from, identifying the requester which shall also include the date and time of removal

### 802.2.2 RECORDS CONCERNING JUVENILES

The Support Services Supervisor shall be responsible for ensuring that the following files, when maintained in records, that involve juveniles, are distinguishable from adult files:

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- Photos
- Fingerprints
- Booking information
- Any report in which a juvenile is named as a suspect in a crime.

Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Support Services Supervisor shall ensure that all records pertaining to that juvenile are destroyed within 90 days (RCW 13.50.270).

### **802.3 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)**

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

#### **802.3.1 ACCESS USE REQUIREMENTS**

No member of the Kitsap County Sheriff's Office shall operate any of the ACCESS systems without first complying with the training requirements as listed in the [ACCESS Manual, Chapter 1, Section 5, Item D](#).

#### **802.3.2 ACCESS REQUIREMENTS**

As an authorized ACCESS user, the Kitsap County Sheriff's Office complies with all of the following ACCESS requirements ([ACCESS Manual, Chapter 4](#)):

- Warrant Entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Cancelling information
- Providing 24 hour access to agency warrants

It is the responsibility of the Terminal Agency Coordinator (TAC) to ensure that all ACCESS computer and network security requirements are in place and operational ([ACCESS Manual, Chapter 1, Section 2, Item A](#)).

### **802.4 OFFICER SAFETY ADVISORIES**

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections, or other criminal justice officers.

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Individuals who represent a potential threat to deputies may be entered into the WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II, A):

- (a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute that involves violence against law enforcement.
- (b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- (c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.
- (d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Deputies who encounter a person who they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Sheriff or his/her designee.

Once approved, the Records Division is responsible for making the appropriate entry into the WACIC.

Whenever an Officer Safety Advisory is initiated by the Kitsap County Sheriff's Office, it is the responsibility of the Support Services Supervisor to ensure that a copy of the supporting documentation and the authorized statement signed by the Sheriff are maintained in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation.

### **802.5 COURT ORDERS**

The Support Services Supervisor shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the Support Services Supervisor shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).

# Records Maintenance and Release

## 806.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

## 806.2 POLICY

The Kitsap County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

## 806.3 PUBLIC RECORDS OFFICER

The Sheriff shall designate a Public Records Officer (RCW 42.56.580). The responsibilities of the Public Records Officer include, but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release and destruction of office public records.
- (b) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records.
  - 1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying (RCW 42.56.040).
- (c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in RCW 42.56.070 that are maintained by the Office.
- (d) Maintaining and updating the office records retention schedule including:
  - 1. Identifying the minimum length of time the Office must keep records.
  - 2. Identifying the office division responsible for the original record.
- (e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Office is available to the public (RCW 42.56.070).
- (g) Establishing rules regarding the processing of subpoenas for the production of records.
- (h) Ensuring the availability of a current schedule of fees for public records as allowed by law (RCW 42.56.070; RCW 42.56.120; RCW 42.56.130).
- (i) Ensuring that the business hours for record inspection or copying are posted on the office's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

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- (j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the office website and appropriate office publications (RCW 42.56.580).

### **806.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any office member who receives a request for any record shall route the request to the Public Records Officer or the authorized designee.

#### **806.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) The Office is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):
  - 1. Providing the record.
  - 2. Providing the internet address and link of the office website to the specific records requested.
    - (a) If the requester notifies the Office that access cannot be obtained through the internet, then copies of the record shall be provided or the requester may view the records on the office computer.
  - 3. Acknowledging the receipt of the request and providing a reasonable estimate of time the Office will require to respond to the request. Additional time may be required to respond based upon:
    - (a) The need to clarify the intent of the request.
    - (b) The need to locate and assemble the information requested.
    - (c) Notification to third persons or agencies affected by the request.
    - (d) Determination whether any of the information requested is exempt.
  - 4. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request



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is unclear, the Office need not respond. If only part of the request is unclear, the Office shall respond to those portions of the request that are clear.

#### 806.4.2 DENIALS

- (a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).
- (b) Requests that are denied are subject to judicial review and the burden of proof is on the Office to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

#### 806.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record, including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).
- (c) Specific intelligence and specific investigative records regarding the discipline of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).
- (d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).
- (e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).
- (f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.
- (g) Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator (RCW 10.97.130; RCW 42.56.240).
- (h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).
- (i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).

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- (j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.
- (k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).
- (l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the Office is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).
- (m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.
- (n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).
- (o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).
- (p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240)
- (q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa (Chapter 86 § 4, 2018 Laws).
- (r) Any other information that may be appropriately denied by Washington law.

#### **806.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Public Records Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, Deputy Prosecuting Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

#### **806.7 EXPUNGEMENT**

Expungement orders received by the Office shall be reviewed for appropriate action by the Public Records Officer. The Public Records Officer shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

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### **806.8 TRAINING**

The Public Records Officer shall complete a training program consistent with the Attorney General's model rules within 90 days of assuming responsibilities for public records and complete refresher training as required (RCW 42.56.152).

### **806.9 SECURITY BREACHES**

Members who become aware that any Kitsap County Sheriff's Office system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- (a) Social Security number
- (b) Driver license number or Washington identification card number
- (c) Full account number, credit or debit card number, or any required security code, access code or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

# Protected Information

## 808.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats. The Kitsap County Corrections Division personnel should refer to the Corrections manual for further procedures and policy dealing with the Corrections facility.

### 808.1.1 DEFINITIONS

Definitions related to this policy include:

**Physical Security:** A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems.

**Criminal Justice Information (CJI):** Any information or data that is collected, including CJI or protected information, stored or accessed by members of KCSO and is subject to any access or release restrictions imposed by law, regulation, order or use agreement.

**Local Agency Security Officer (LASO):** The Sheriff or designee shall appoint a(n) employee(s) to act as the office's Local Agency Security Officer (LASO) in compliance with the FBI CJIS Security Policy.

**Terminal Agency Coordinator (TAC):** An employee selected to help manage agency CJIS Security compliance in conjunction with the LASO.

**Access Control:** A compilation of hardware and/or software that restrict physical or electronic access to a defined area or system.

## 808.2 POLICY

Members of the Kitsap County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 808.3 MEMBER AND VISITOR ACCESS

### 808.3.1 KCSO MEMBER IDENTIFICATION

Members shall wear their commission or identification (ID) card at all times while in office facilities, unless in uniform and/or displaying a KCSO badge. The identification shall be worn in a manner that is clearly visible. The information on the card must be current and contain a photo of the

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authorized cardholder. Commission and identification cards are issued by the KCSO Office of Professional Standards.

### 808.3.2 AUTHORIZED CONTRACTORS, COUNTY EMPLOYEES AND EXTERNAL LAW ENFORCEMENT EMPLOYEES

Authorized Kitsap County employees, contractors and vendors who have completed the necessary CJIS security training and background checks and who have unescorted access to KCSO, shall be in uniform and/or display appropriate identification when in KCSO facilities.

Members of other law enforcement agencies wearing their uniform, identification or badge shall have unescorted access to KCSO facilities. The visitors in this category need not sign in or out on the visitor log if they are displaying the appropriate uniform and/or identification.

Private contractors/vendors who require frequent unescorted access to restricted area(s) will be required to have a state and national fingerprint-based record background check prior to the restricted areas access being granted. The individuals will additionally be required to complete the CJIS security awareness training facilitated by the agency TAC.

Noncriminal Justice Agency (NCJA) such as Kitsap County IT who require frequent unescorted access to restricted area(s) will be required to establish a Management Control Agreement and/or an Inter-Agency Agreement between KCSO and the NCJA. Each NCJA employee with CJI access will appropriately have a state and national fingerprint-based record background check prior to the restricted areas access being granted. The individuals will additionally be required to complete the CJIS security awareness training facilitated by the agency TAC.

### 808.3.3 AUTHORIZED VISITORS

An authorized visitor is defined as a person who is invited to a KCSO facility on a temporary basis and has either escorted or unescorted access to the physically secure locations within the KCSO where protected information and/or systems reside.

A visitor's log shall be maintained by the reception desk personnel at each office. Badges are colored coded and issued according to the nature of the visit and legitimate business needs.

**Green badges:** The green colored badges are only issued to Law Enforcement Officers from other agencies or KCSO personnel who do not have their commission/identification card or badge with them. Visitors with green badges shall be granted unescorted access.

**Yellow badges:** The yellow badges are issued only to those civilians given unescorted access to our offices and who do not have their official identification. Individuals issued yellow badges will have been fingerprinted and will have completed the CJIS security awareness training. Some examples of personnel who are allowed a yellow badge.

- (a) Deputy Prosecutors and Prosecutor of the Kitsap County Prosecutor's Office
- (b) Deputy Coroners and Coroner of the Kitsap County Coroner's Office
- (c) Contractors or other office designated individuals (IS and Maintenance Staff).

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Red badges: Red badges are issued to all other visitors to KCSO facilities. These individuals must be escorted by an authorized KCSO member.

Escorted visitors shall be accompanied by an authorized KCSO escort to ensure the protection and integrity of the physically secure location and any protected information contained therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort. Visitors are prohibited from utilizing still shot and video cameras which may capture CJI.

### **808.4 AUTHORIZED PHYSICAL ACCESS**

Only authorized members will have access to physically secure non-public locations. KCSO will maintain and keep current, a list of authorized personnel. The office will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the office from physical, logical and electronic breaches.

All members with CJI physical and logical access must:

- (a) Meet the minimum personnel screening requirements prior to CJI access.
- (b) Complete security awareness training (non ACCESS Terminal Users).
- (c) Complete ACCESS certification (ACCESS terminal Users).
- (d) Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
- (e) Use of electronic media is allowed only by authorized KCSO members. Controls shall be in place to protect electronic media and printouts containing CJI while in transport.  
When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.
- (f) Report any physical security incidents to KCSO's LASO to include facility access violations, loss of CJI, loss of laptops, Blackberries, thumb drives, CDs/DVDs and printouts containing CJI.

### **808.5 ROLES AND RESPONSIBILITIES**

The Sheriff shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).

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- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

### **808.5.1 TERMINAL AGENCY COORDINATOR (TAC)**

The TAC serves as the point-of-contact at the Kitsap County Sheriff's Office for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the Office's compliance with FBI and state CJIS systems policies.

- (a) Is the primary contact for all ACCESS related questions.
- (b) Be available to assist with ACCESS and technical audits.
- (c) Must be ACCESS level 2 certified.
- (d) Shall conduct 5-year re-background checks on all personnel who use or work on the connection to ACCESS.
- (e) Must keep their agency current with ACCESS updates to manuals and procedures.
- (f) Will disseminate ACCESS related announcements and memorandums.
- (g) Will report any misuse of ACCESS systems.
- (h) Will facilitate certifying new users and removing individuals when appropriate.
- (i) Will ensure compliance is maintained relating to CHRI.
- (j) Responsible for agency monthly NCIC validations.
- (k) Shall maintain a current terminal assignment list.

### **808.6 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Kitsap County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

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Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

### **808.6.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

Unauthorized access, including access for other than a legitimate business need, is prohibited and may subject a member to administrative action and/or criminal prosecution.

### **808.6.2 RELEASE OF CHRI**

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer.
- (b) Support Services Supervisor.
- (c) Full-time employees of the Records Division.
- (d) Personnel specifically designated in writing by Division Chiefs with the concurrence of the Criminal Records Security Officer.

### **808.6.3 RELEASE OF CHRI TO FIELD PERSONNEL**

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

### **808.6.4 RECORDS SUITABLE FOR RELEASE**

Conviction records and CHRI may be disseminated as set forth in RCW 10.97.050.

## **808.7 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Services Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law



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enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

### **808.7.1 REVIEW OF CRIMINAL OFFENDER RECORD**

An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

## **808.8 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities (RCW 19.255.010).

### **808.8.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

## **808.9 TRAINING**

All members authorized to access or release CJI or protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as the guidelines associated with proper handling and dissemination.

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### 808.9.1 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding.

## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 POLICY

In accordance with applicable federal, state and local law, the Kitsap County Sheriff's Office provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Office does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.2 RECRUITMENT

The Office should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administration Division Chief shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

## 1000.3 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

# Kitsap County Sheriff's Office

## LE Policies

### *Recruitment and Selection*

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- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Polygraph or computer voice stress analyzer (CVSA) examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040)
- (i) Medical examination, including drug screening (may only be given after a conditional offer of employment),
- (j) Psychological examination (may only be given after a conditional offer of employment),
- (k) Review board or selection committee assessment

#### **1000.4 PURPOSE AND SCOPE**

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Kitsap County Sheriff's Office and that are promulgated and maintained by the Civil Service Commission.

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Kitsap County Sheriff's Office (RCW 43.101.095).

##### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

##### **1000.5.2 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Division Chief shall not require candidates to provide passwords, account information or access to password-protected social media accounts (RCW 49.44.200).

## *Recruitment and Selection*

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The Administration Division Chief should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Office fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Division Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### **1000.5.3 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file. These files shall be stored in a secured manner and made available only to those who are authorized to participate in the selection process.

### **1000.5.4 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (RCW 43.101.095; RCW 43.101.200). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR DEPUTIES**

Candidates shall meet the following minimum standards established by the Washington State Criminal Justice Training Commission (WSCJTC) (RCW 43.101.095):

- (a) Be eligible for WSCJTC certification
- (b) Submit to a psychological evaluation
- (c) Submit to a polygraph examination
- (d) Submit to a criminal history check
- (e) Not been convicted of a felony offense

# Evaluation of Employees

## 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

## 1002.2 POLICY

The Kitsap County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

## 1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel should attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance should be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing.

### 1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.



## *Evaluation of Employees*

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### **1002.4 FULL TIME PROBATIONARY PERSONNEL**

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed for all full-time non-sworn personnel during the probationary period on a schedule set by the Division Chief.

Corrections Officers are on probation for 12 months before being eligible for certification as permanent employees. Corrections Officers are evaluated daily during their training program and quarterly during the remainder of the probationary period.

Entry-level Deputies are on probation for 15 months and Lateral Deputies are on probation for 12 months before being eligible for certification as permanent employees. Probationary deputies are evaluated daily during the Field Training Program and then at 11 months after hire. At the end of the probationary period, a Probation Review Board will review the Deputy's performance and make a final recommendation for certification of permanent employment to the Sheriff.

### **1002.5 FULL-TIME PERMANENT STATUS PERSONNEL**

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

#### **1002.5.1 RATINGS CRITERIA**

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Exceeds Expectations** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected.

**Meets Expectations** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

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**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory shall be substantiated in the rater comments section.

### **1002.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

### **1002.7 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Chief via chain of command. The Division Chief shall review the evaluation for fairness, impartiality, uniformity, and consistency.

### **1002.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's Human Resources file for the tenure of the employee's employment. A copy will be given to the employee, a copy will be placed in the Supervisory File, and a copy will be forwarded to the Department File.

### **1002.9 REMEDIAL TRAINING**

When an employee fails to perform a job function at the level prescribed in this policy manual, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating of needs improvement or unsatisfactory, receives a Special Evaluation to document a performance deficiency or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

- (a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Improvement Plan (PIP):
  - 1. The remedial training being provided.

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2. The timeline for providing the training.
  3. The timeline for evaluating the employee's subsequent performance.
  4. The consequences if the employee fails to perform.
  5. The desired outcome if the remediation is successful.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.
- (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.
- (d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the department's grievance procedure.

The remedial training process is for use with all employees. It is not limited to use with probationary employees.

# Promotional and Transfer Policy

## 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Kitsap County Sheriff's Office.

### 1004.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to organizational goals and objectives in a positive manner.

## 1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) School Resource Deputy.
- (b) Detective.
- (c) Public Information Deputy.
- (d) Traffic Enforcement Deputy.
- (e) Accident Investigator.
- (f) Community Resource Deputy.
- (g) Civil Deputy.
- (h) EHM Officer.
- (i) Booking Coordinator.

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- (j) Medical Officer
- (k) Court Officer.
- (l) Classification Officer

### **1004.2.1 DESIRABLE QUALIFICATIONS**

The following qualifications apply to consideration for transfer:

- (a) Three years experience (This may be waived by Division Chief if appropriate).
- (b) Off probation.
- (c) Has shown an expressed interest in the position applied for.
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by CJTC or law.

### **1004.3 SELECTION PROCESS**

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Sheriff. This may include a review of performance evaluations, work product, and supervisory files. Any supervisor who has supervised or otherwise been involved with the candidate may submit a recommendation.
- (b) The Division Chief or designee will schedule interviews with each candidate.
- (c) Based on interviewers' recommendations and those of the Division Chief after the interview, the Division Chief will submit his/her recommendation(s) to the Sheriff, if appropriate.
- (d) Appointment by the Sheriff or designee.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

### **1004.4 PROMOTIONAL SPECIFICATIONS**

Specifications for promotional opportunities are on file with the Kitsap Department of Human Resources.

# Grievance Procedure

## 1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. When filing a grievance, the employee or bargaining unit shall indicate it is a formal grievance. The procedures for addressing grievances shall be consistent with the applicable collective bargaining agreement.

### 1006.1.1 GRIEVANCE DEFINED

**Grievance** - Is any dispute involving the interpretation or application of any of the following documents by the person(s) or bargaining unit affected:

- The employee collective bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- County rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints related to consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaints Policy.

## 1006.2 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Office of Professional Standards for inclusion into a secure file for all written grievances.

## 1006.3 GRIEVANCE AUDITS

The Office of Professional Standards shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Office of Professional Standards shall record these findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Office of Professional Standards should promptly notify the Sheriff.

# Reporting of Employee Convictions

## **1010.1 PURPOSE AND SCOPE**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## **1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS**

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## **1010.3 REPORTING PROCEDURE**

All members of this department and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## Drug- and Alcohol-Free Workplace

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

### 1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that adversely affects their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### 1012.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession or use of marijuana, medical marijuana, or products containing Tetrahydrocannabinol, on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060).

### 1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.



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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### **1012.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **1012.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

### **1012.7 ORDERING SCREENING TESTS**

A supervisor may order an employee to submit to a screening test when the supervisor possesses facts that give rise to a reasonable suspicion that an employee is currently or has recently been engaging in the use of illegal drugs, in the abuse or illicit use of legal drugs, or has consumed alcohol during work or prior to work such that the consumption has an adverse effect on the employee's ability to perform his/her job; or pursuant to an agreement between the Department, the employee's guild, and the employee to test that employee at unspecified intervals to ensure a previous problem of substance abuse has been arrested.

#### **1012.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

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### **1012.7.2 SCREENING TEST REFUSAL**

Unless specified differently in a Collective Bargaining Agreement, an employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as ordered.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

### **1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **1012.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

## Sick Leave

### 1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Family Leave Act (FLA) (29 USC § 2601 et seq.; RCW 49.78.220 et seq.).

### 1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's family as defined by WAC 296-128-600 when it is not possible to schedule such appointments during non-working hours.

Upon return to work, employees who enter their own work and leave hours shall document the leave in the electronic payroll database describing the type of leave used and the specific amount of time taken.

#### 1014.2.1 NOTIFICATION

Employees are encouraged to notify the appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, whenever possible, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 10-days, or as early as practicable, notice of the intent to take leave.

### 1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (RCW 49.46.210).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

### 1014.4 RETALIATION

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).

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## Jury Duty

### **1015.1 PURPOSE AND SCOPE**

This policy covers use of civil leave for members called to serve as jurors in a court of law.

Civil leave with pay shall be allowed to permit a member to serve as a juror. This leave is available to members who have jury duty which coincides with a regularly scheduled work day, regardless of the hours worked. If the member is scheduled on their normal days off, no civil leave will be granted.

### **1015.2 CALCULATION OF CIVIL LEAVE**

A member must notify their immediate supervisor prior to taking civil leave and provide proof of compulsion.

Any full court day serving as a juror shall be calculated as a full shift, regardless of the length of the member's normal scheduled shift hours. If less than a full court day, any hours serving as a juror shall be accrued as hour-for-hour adjust time if the hours are outside of working hours on the same calendar day as any shift hours. The adjust time may be taken at a mutually agreeable time during the same pay cycle and before or after the scheduled court day/time.

If reporting for jury duty on the first day as a potential juror, the employee shall be given civil leave for any hours after midnight the morning before reporting in addition to the adjusted hours accrued while serving as a juror.

# Communicable Diseases

## 1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Kitsap County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1016.2 POLICY

The Kitsap County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1016.3 EXPOSURE CONTROL PLAN

The Department will comply with any Kitsap County Risk Management exposure control plan that includes (WAC 296-823.100 et seq.) [See attachment: Kitsap County Exposure Control Plan.pdf](#) :

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):
    - (a) The identification of positions with the potential for exposure.

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- (b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.
  - (c) A plan for the distribution and use of personal protective equipment (PPE) related to communicable diseases.
  - (d) Directions for appropriate labeling of contaminated items.
  - (e) Rules regarding worksite maintenance.
  - (f) Rules regarding waste.
  - (g) Confidentiality requirements and medical protocols.
  - (h) Maintenance of training and medical records.
2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).
  3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

### **1016.4 EXPOSURE PREVENTION AND MITIGATION**

#### **1016.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
  - (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
  - (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
  - (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
  - (e) Using an appropriate barrier device when providing CPR.
  - (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
  - (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

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- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

### 1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

## **1016.5 POST EXPOSURE**

### 1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

### 1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented as outlined by Kitsap County Risk Management(WAC 296-823-16005):

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

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### 1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

Kitsap County Risk Management may request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

### 1016.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (WAC 296-823-16005).

### 1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the Department (WAC 296-823-16010).

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

## 1016.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

## 1016.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.



# Smoking and Tobacco Use

## 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by members while on-duty or while in Kitsap County Sheriff's Office facilities or vehicles.

## 1018.2 POLICY

The Kitsap County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to other members and to the public. It is the policy of the Kitsap County Sheriff's Office to prohibit the use of tobacco by members while on-duty or at any time the member is acting in an official capacity for the Office, unless the employee has taken steps to use a designated smoking area outside of the normal view of the public.

For the purposes of this policy tobacco products are defined as cigarettes, e-cigarettes, personal vaporizers, cigars or smokeless tobacco (snuff or chewing tobacco).

## 1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department, unless the employee has taken steps to use a designated smoking area outside of the normal view of the public.

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle.

It shall be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

## 1018.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building (RCW 70.160.075).

### 1018.4.1 NOTICE

The Sheriff or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities (RCW 70.160.050).

# Collision Reviews

## 1019.1 PURPOSE AND SCOPE

This policy sets forth the guidelines for reviewing collisions involving members operating county vehicles. This policy should be read as consistent with all other policies regarding discipline and any applicable collective bargaining agreement.

## 1019.2 POLICY

All employees or members of the Kitsap County Sheriff's Office who operate county vehicles shall use their best judgement and operating abilities to avoid becoming involved in any type of traffic collision.

## 1019.3 INVESTIGATION OF COLLISIONS

All motor vehicle collisions involving county equipment or collisions occurring while on county business with a private vehicle will be investigated in conformance with existing collision investigation policies. It shall be the policy of the Sheriff's Office to take photographs, if possible, in conjunction with investigation of county employee collisions. Collisions shall be reviewed by a police supervisor comparable in rank or above that of the county employee driver.

### 1019.3.1 CRITERIA FOR REVIEW

The police supervisor will forward all reports concerning the collision to the division chief or designee who shall conduct a division review when the circumstances of the collision meet the following criteria (all other collisions shall be subject to supervisory review):

- A) In any collision where more than one vehicle is involved or,
- B) When damage to a single vehicle is in excess of the accident-reporting threshold according to WAC 446-85-010 or,
- C) When there is reportable damage to the property of another or,
- D) When any person is injured as a result of the collision or,
- E) Repeated incidents involving the same employee driver that raise a question about the skill and due care exercised by the employee driver. This includes collisions when damage to a single vehicle is less than the accident-reporting threshold according to WAC 446-85-010.

### 1019.3.2 MEMBER NOTIFICATION

The employee-driver shall be notified of the division review within twenty-four hours of the division chief's decision to conduct a division review. Notice may be given by telephone, in person or through delivery of written notification to the employee-driver.

## 1019.4 DIVISION CHIEF RESPONSIBILITIES

When conducting a division review, the division chief or designee shall review all available information including reports, diagrams and testimony from witnesses. The division chief or

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designee shall determine whether the collision was "preventable" or "non-preventable" . Upon a determination that the collision was preventable, the division chief or designee will then determine whether a collision is chargeable under the following criteria:

- A) Any preventable collision where the employee driver has shown a willful violation of any lawful order given by a superior.
- B) Any preventable collision where the employee driver fails to exercise reasonable care and good judgment in the operation of a motor vehicle.
- C) Any preventable collision resulting from a negligent action on the part of the employee driver as defined in RCW 46.61.525, to wit: "...operate in a negligent manner' shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to endanger or be likely to endanger any persons or property."
- D) Any preventable collision occurring when the employee is intoxicated or has consumed intoxicating liquor.
- E) Any preventable collision occurring when the employee uses a controlled substance considered to be illegal under RCW 69.50; or an over the counter drug where the manufacturer recommends that the user avoid the operation of mechanical equipment; or uses a drug prescribed by a physician where the manufacturer of the drug recommends that the user avoid the operation of mechanical equipment.
- F) Any preventable collision where a violation of state, county or municipal law occurs.

The division chief or designee shall issue a final decision in writing within fifteen (15) business days; Monday through Friday, from the date of the collision. The requirement that the division chief or designee issue a report within fifteen (15) business days from the date of the collision may be extended under extraordinary circumstances.

### **1019.5 DISCIPLINE GUIDELINES**

If the division chief or designee determines that the collision is preventable/chargeable, the division chief or designee may implement disciplinary action. When considering whether to impose discipline the division chief or designee should consider the following guidelines. Depending upon the circumstances of a particular collision, the division chief or designee may deviate from the guidelines and impose discipline that is above (up to and including termination) or below the range of discipline (including no discipline) recommended in the guidelines. All decisions resulting in discipline may be appealed in accordance with existing policies, rules and contracts.

- (a) First chargeable/preventable collision
  - 1. Written letter of reprimand or;
  - 2. Written letter of reprimand and defensive driving instruction, or;

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3. One to three days suspension from duty without pay, or;
  4. One to three days suspension from duty without pay and defensive driving instruction.
- (b) Second chargeable/preventable collision within one year of the first
1. Three to five days suspension from duty without pay and,
  2. Re-training as deemed appropriate by the division commander or his/her designee. Training may include, but is not limited to: counseling in office policy regarding vehicle operation; participation in a "commentary driving course"; four hours practice on the pursuit/placement course or other suitable training that may be available outside the Sheriff s Office.
- (c) Third chargeable/preventable collision within eighteen months of the first.
1. Five to ten days suspension without pay and re-training or;
  2. Termination

### **1019.6 STORAGE AND RETENTION**

The completed investigative file, including all materials and findings, shall be forwarded to the Office of Professional Standards. The file will be cataloged, secured and retained in accordance with standard retention guidelines. A copy of any discipline will be stored and retained in accordance with the Personnel Complaints Policy.

# Personnel Complaints

## 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Kitsap County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## 1020.2 POLICY

The Kitsap County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

## 1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office and shall be addressed in accordance with the Service Requests and Procedure Queries Policy.

### 1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Office of Professional Standards, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or

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the Office of Professional Standards, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

### 1020.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

### 1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

#### 1020.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

#### 1020.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

### 1020.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. This may be an electronic database or paper log maintained by the Office of Professional Standards.

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At least annually, the Sheriff should ensure the preparation of an analysis report on personnel complaints. The report may be prepared by the Office of Professional Standards and should be submitted to the Sheriff. The report should not contain the names of members, suspects, or case numbers, and should include:

- (a) The identification of any trends in the complaints against the office.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

### **1020.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

#### **1020.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor or OPS investigate any complaint.

A supervisor witnessing activity of a subordinate that amounts to a sustained complaint may, subject to chain of command review, take corrective action up to and including a written reprimand. A supervisor shall review the subordinate's supervisory file before taking corrective action to ensure that formal discipline may not be warranted. A supervisor should consult with the Division Chief when practicable before making this determination.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed or entered into the OPS database.
  - 1. The original complaint form will be directed to the supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Lieutenant or Chief who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

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2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Division Lieutenant who will then forward it to OPS for retention.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Office of Professional Standards, the Division Lieutenant, the Division Chief and the Undersheriff are notified as soon as practicable.
- (e) Promptly contacting the Division Lieutenant, Division Chief, the Office of Professional Standards and the Undersheriff for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Division Lieutenant who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Investigating a complaint as follows:
  1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (h) Ensuring that the procedural rights of the accused member are followed.
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Office of Professional Standards, the following applies to employees:

- (a) Provisions of the employees respective Collective Bargaining Agreement (CBA) regarding administrative investigations should be reviewed by the supervisor prior to the interview.
- (b) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (c) Unless waived by the employee, interviews of an accused employee shall be at the Kitsap County Sheriff's Office or other reasonable and appropriate place.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.



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- (g) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Garrity advisement and after the investigator has consulted with the prosecuting agency.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview in accordance with their respective CBA.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph or other truth verification examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- (l) An employee may provide relevant evidence and/or witnesses to be included in the investigation.
- (m) An employee covered by civil service shall be provided a written statement of all accusations with a duplicate statement filed with the civil service commission when the employee is removed, suspended, demoted, or discharged. (RCW 41.12.090; RCW 41.14.120).

#### 1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1020.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

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**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### 1020.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 90 days from the date of discovery by an individual authorized to initiate an investigation.

### 1020.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### 1020.7 ADMINISTRATIVE SEARCHES

Members forfeit any expectation of privacy with regard to assigned lockers, storage spaces and other areas, including desks, offices and vehicles, and these may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

### 1020.8 ADMINISTRATIVE ASSIGNMENT

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative assignment. Any employee placed on administrative assignment:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift or administrative assignment, generally a normal business-hours shift, during the investigation. The employee may

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be required to remain available for contact at all times during such shift, and will report as ordered.

### **1020.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Kitsap County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

### **1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the employee's Division Chief through the chain of command.

#### **1020.10.1 DIVISION CHIEF RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Chief of the involved member shall review the entire investigative file, the member's personnel files and any other relevant materials.

Prior to making a final decision, the Division Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

Once the Division Chief is satisfied that no further investigation or action is required by staff, the Division Chief shall determine the disposition of each allegation and the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Division Chief shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Division Chief in recommending the proposed discipline.
  - (b) An opportunity to respond orally or in writing to the Division Chief, in accordance with the employee's respective CBA.
1. Upon a showing of good cause by the member, the Division Chief may grant a reasonable extension of time for the member to respond.

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2. If the member elects to respond orally, the presentation should be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Division Chief shall consider all information received in regard to the recommended discipline. The Division Chief shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Division Chief has issued a written decision, the discipline shall become effective.

### **1020.10.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

The Sheriff, the authorized designee, or the assigned investigator shall make every reasonable effort to notify the complainant of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

### **1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Division Chief after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Division Chief to consider.
- (d) In the event that the Division Chief elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Division Chief on the limited issues of information raised in any subsequent materials.

### **1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

### **1020.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to

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appeal using the procedures established by any collective bargaining agreement, memorandum of understanding and/or civil service rules.

In the event of punitive action against an employee covered by civil service, the appeal process shall be in compliance with RCW 41.12.090 and RCW 41.14.120.

### **1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

### **1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

### **1020.16 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC) CERTIFICATION BOARD**

Upon termination of a peace officer for any reason, including resignation, the Office shall, within 15 days of the termination, notify the CJTC on a personnel action report form provided by the commission. The Office shall, upon request of the CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

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## Service Requests and Procedure Queries

### 1021.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of service requests and procedure queries of the Kitsap County Sheriff's Office. This policy shall not apply to any personnel complaints as defined in Policy 1020 of this manual.

### 1021.2 DEFINITIONS

#### 1021.2.1 SERVICE REQUEST

A service request is a citizen's report of specific illegal activity recurring at the same location and the response from the Kitsap County Sheriff's Office has not met their expectations or the citizen is requesting enhanced services over that provided by a call to 911.

#### 1021.2.2 PROCEDURE QUERY

A procedure query is a citizen's report that the response from the Kitsap County Sheriff's Office did not meet their expectation and the criminal activity is not recurring. Procedure queries do not include allegations of violations of law or policy by members.

### 1021.3 POLICY

The Kitsap County Sheriff's Office takes seriously all service requests and procedure queries of the Department. The Department will ensure that all such reports are investigated and/or addressed.

### 1021.4 ACCEPTANCE

All service requests and procedure queries will be courteously accepted by any department member and promptly given to the appropriate supervisor.

### 1021.5 RESPONSE AND DOCUMENTATION

Supervisors and patrol support services shall ensure that all service requests and procedure queries are entered into the designated electronic database. The progress and disposition of the reports shall be documented in the database by the assigned supervisor. Members shall proceed with due diligence in addressing procedure queries and service requests.

## Seat Belts

### 1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

### 1022.2 POLICY

It is the policy of the Kitsap County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### 1022.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (RCW 46.61.688; RCW 46.61.687).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

### 1022.4 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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### **1022.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES**

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### **1022.6 INOPERABLE SEAT BELTS**

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### **1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

### **1022.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children or equipped with an MCT as written elsewhere in this policy. All equipment, except an MCT and MCT mount, installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

#### **1022.8.1 VEHICLE MCT**

Passenger side airbags shall be deactivated when operating a vehicle with an MCT in the airbag deployment zone.



# Respiratory Protection Program

## 1023.1 PURPOSE AND SCOPE

This program applies to all commissioned and non-commissioned employees or members that may require the use of respirators for operational tasks. This policy applies to all respirator use regardless of whether it is required or voluntary.

## 1023.2 POLICY

The Kitsap County Sheriff's Office, as part of their Personal Protective Equipment (PPE) program, will provide the appropriate respirators to those members who may have a need for them in the course of their duties.

It is also the intent of this policy that the Kitsap County Sheriff's Office policy must meet or exceed the requirements specified in WAC 296-842 and the Respiratory Protection Program of Kitsap County.

## 1023.3 PROGRAM REQUIREMENTS

The Office will insure that all measures will be taken to prevent contamination leading to occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, vapors, or aerosols. Whenever feasible, engineering control measures (for example, enclosure or confinement of the operation, general or local ventilation and substitution of less toxic materials) will be installed and used.

When effective engineering controls are not feasible or in place, NIOSH-approved respirators that are applicable and suitable will be provided, when required or necessary, to protect the health of employees against recognized hazards including any exposures in excess of the permissible exposure limit. Respirators, training, medical evaluations, and fit testing will be provided, at no cost, to the all employees that are required to use them.

## 1023.4 RESPIRATOR PROGRAM ADMINISTRATOR

The Training Coordinators are responsible to oversee the overall program, update the program to reflect those changes in workplace conditions, and conduct the required evaluations of program effectiveness. The administrators will ensure compliance with the L&I regulations and the Kitsap County program.

## 1023.5 RESPIRATOR SELECTION

Respirators will be provided that are adequate to protect the health of the employee and ensure compliance with all other WISHA statutory and regulatory requirements for routine, non-routine, and reasonably foreseeable emergency and rescue situations.

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The Office will provide negative pressure, full-face air-purifying respirators to those fully commissioned officers engaged in law enforcement operations and those members who may have a need depending on assignment or duties. Certification is required for these types of respirators. The Office will also provide filtering face-piece (dust mask) to those members who may have a need for infection control or pandemic events. Certification is not required for filtering face-piece (dust masks) however training will be provided when appropriate.

Only office supplied respirators will be used by members of this office.

### **1023.6 ASSIGNMENT AND USE OF RESPIRATORS**

All fully commissioned officers will be assigned a full face respirator contingent on passing the medical standards requirement and all fully commissioned officers will be required to attend mandatory training for respirator use. All fully commissioned officers will be required to go through the medical screening. The medical screening consists of a medical evaluation which includes a questionnaire and in some cases an in-person medical evaluation may be required.

The medical screening is confidential and answers to the questionnaire or medical information obtained during in-person medical visitations is not shared with the employer. The information provided back to the employer does not include medical information. The medical provider will only provide guidance to the employer that the employee can or can not wear a respirator or can but with limitations. One of the limitations may indicate that the employee has to complete ongoing medical evaluations to wear a respirator. (WAC 296-842-14005, 296-842-22005).

The medical screening for the respirator is not a general Fitness for Duty examination and failure to pass the medical screening requirement for respirator use will not result in a general Fitness for Duty medical examination being required. Those fully commissioned officers who can not pass the medical standards requirement will not be issued respirators until they are medically cleared.

However, selection and continued involvement in some assignments may require that the officer be able to wear a respirator (i.e. S.W.A.T., Riot Control Team, drug task force member).

Other officers or members of this Office may be issued a respirator depending on assignment.

In operations, in most cases the officer or member will determine when it will be appropriate to use the respirators. In circumstances where the supervisor believes it is appropriate, the supervisor may order the use of respirators. A typical scenario would be in a crowd control or tactical situation where CS/CN or Oleoresin pepper spray may be deployed.

### **1023.7 USE OF RESPIRATORS**

Respirators protect against airborne contaminants when properly selected and worn. Respirator use by members, even when the exposure to contaminants is below the exposure limit(s), can provide an additional level of comfort and protection for workers. However, if a respirator is used improperly or not properly maintained, the respirator itself can become a hazard to you. Sometimes, workers wear respirators to avoid exposures to hazards, even if the amount

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of hazardous contaminants (chemical & biological) does not exceed the limits set by DOSH standards.

Respirator use requires certain precautions to be followed. These precautions are listed below and must be followed to be sure that the respirator itself does not present a hazard.

- (a) Read and follow all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.
- (b) Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging that will indicate the appropriate uses of the respirator and what level of protection is should provide.
- (c) Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against solvent vapor or smoke (since smoke particles are smaller than dust particles).
- (d) Keep track of your respirator so that you do not mistakenly use someone else's respirator.

### **1023.8 MEDICAL EVALUATIONS**

To determine the ability of the member required to use a respirator, a documented medical evaluation must be conducted, prior to fit testing and issuance of a respirator, A physician or other licensed health care professional (PLHCP) shall perform the evaluation in accordance with the following:

- (a) A PLHCP will review the WISHA questionnaire that has been completed by the employee and provided confidentially to the medical institution. Medical evaluation will be conducted for positive responses to any question the PLHCP deems appropriate.
- (b) The employee will have an opportunity to discuss the questionnaire and examination results with the PLHCP.
- (c) The follow-up medical evaluation must include any consultations, medical tests, or diagnostic procedures that the PLHCP deems necessary to make a final determination.
- (d) Type and weight of respirators used, duration and frequency of use, expected physical work effort, any additional protective clothing and equipment to be worn, and any temperature and humidity extremes that may be encountered, will be supplied to the PLHCP.

Any member who does not meet the medical screening may be requested to be re- screened if practicable at a later time.

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### **1023.9 RESPIRATOR TRAINING**

Respirator training shall be conducted for supervisors and members designated to use or issue respirators. Members must be trained prior to initial use and annually of the previous training there after. Training is also required when a member is identified that hasn't retained the knowledge or skills or any changes in the worksite, there is a change in type

of respirator, or when a Program Administrator or Supervisor deems it necessary through the evaluation process. All respirator training and fit testing shall be documented and retained for the duration of employment.

Training sessions will cover the following subjects, including demonstration and testing, at a minimum:

1. Kitsap County Sheriff's Office Respiratory Program and Policy
2. Type, make, and model of respirator used
3. Respirator capabilities and limitations
4. Inspection, maintenance, care, and storage requirements
5. Proper donning, adjusting, face seal testing, and removal procedures for use
6. Qualitative or Quantitative fit testing
7. Medical signs and symptoms that may limit or prevent the effective use
8. Training may include practical application or scenario based training

### **1023.10 RESPIRATOR FIT TESTING & ISSUANCE**

Facial and/or long hair that interferes with a proper respirator face seal shall be required to be trimmed to achieve a satisfactory face seal.

Each member required to use a respirator in the performance of their work shall be issued a respirator for them to use after they have successfully completed the following:

1. Medical questionnaire
2. Medical clearance for use
3. Respirator Training
4. Fit Testing
  - a. Testing masks are used to determine correct size and fit
  - b. While wearing the test mask, the member shall perform various physical movements that would emulate tasks required to be performed when wearing a respirator
  - c. At a minimum, each member being fit tested will be introduced to the irritant smoke in such a way to insure the member's reaction indicates a positive response

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d. A Respirator Fit Test Record, signed by the member tested and the trainer conducting the fit test will be completed and maintained by the Training Coordinators.

### **1023.11 RESPIRATOR MAINTENANCE PROCEDURES**

Each member that has been issued a respirator is required to comply with the cleaning, maintenance, and storage requirements listed below:

1. Respirator masks shall be cleaned with soap & water at the end of each shift worked that they are in use
2. Once cleaned, respirators shall be thoroughly dried and stored in an area free from possible contamination
3. Respirators shall be completely disassembled and inspected periodically and all defective, worn, or weak parts must be replaced
4. Respirator problems requiring more than basic maintenance must not be used until repair or replacement to fix the problem is accomplished.

### **1023.12 EVALUATION AND DOCUMENTATION**

Supervisors and Program Administrators should conduct periodic monitoring to insure that respirators are selected according to task, that the member is wearing the respirator properly, and that proper maintenance including cleaning is performed.

Copies of the PLHCP's written clearance recommendation for each member subject to medical evaluation will be maintained by the member's Training File. Medical Clearance forms, training documents and fit test records must be maintained by Kitsap County for a period of 30 years.

The written Kitsap County Respirator Program will be maintained in the Kitsap County Accident and Illness Prevention Program.

All written materials required to be maintained under the record keeping requirements will be made available, upon request, to the member who is subject of the records, the Program Administrators, and to the director or the director's designee of the Washington State Department of Labor and Industries for examination and copying.

# Body Armor

## 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

## 1024.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

## 1024.3 ISSUANCE OF BODY ARMOR

The Support Services Sergeant shall ensure that body armor is issued to all deputies when the deputy begins service at the Kitsap County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services Sergeant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### 1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

### 1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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### 1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

### 1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

# Personnel Records

## 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to peace officer and member personnel files in accordance with established law. It is the policy of this Department to maintain the confidentiality of peace officer and member personnel records pursuant to the exemptions listed in subsections of RCW 42.56.

## 1026.2 PERSONNEL FILES DEFINED

Peace officer and member personnel records shall include any file maintained under an individual deputy's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

## 1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Department File** - That file which is maintained in the office of the Sheriff as a permanent record of a employment with this department.

**Supervisor File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

**Human Resources File**-That file which is maintained by the Department of Human Resources as a permanent record of a member's employment with Kitsap County.

**Training File** - Any file which documents the training records of an employee.

**Internal Investigation Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.



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**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

Pre-employment personnel files, including background information psychological and polygraph results, will also be maintained in the office of the Sheriff or his/her designee. Such files shall be kept in the Department File for hired members. Medical and psychological records for hired members shall be maintained in the medical file by the Department of Human Resources. All pre-employment investigation records for individuals not hired by the Department shall be maintained in a separate file by the Office of Professional Standards.

All employee records will be secured and available only to persons authorized to access such information.

### **1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

In general, unless expressly stated by statutory exception, personnel files are subject to public disclosure. To the extent possible, all personnel records, whether or not subject to public disclosure, should be maintained as private records. Access to personnel files should be limited to only those local government employees who are needed to maintain the files and those who have a legitimate need for access or legal right to access. All of the personnel records listed in PERSONNEL FILES DEFINED shall be deemed private, and access to such files will be limited to only those Department or County employees who are needed to maintain the files and those who have a legitimate need for access. Nothing in this section is intended to preclude review of personnel files by the Deputy Prosecuting Attorney or other attorneys or representatives of the County in connection with official business.

### **1026.5 REQUESTS FOR DISCLOSURE**

All records kept by Washington State public agencies are considered public unless they are covered by specific disclosure statutes (RCW 42.56.070).

- (a) Private personnel records that are exempted from public disclosure include:
  - 1. Applications for public employment (RCW 42.56.250).
  - 2. Residential addresses and telephone numbers (RCW 42.56.250).
  - 3. Performance evaluations which do not discuss specific instances of misconduct.
  - 4. Medical information (RCW 70.02).
  - 5. Industrial insurance (workers' compensation) claim files and records (RCW 51.28.070).
  - 6. Employee identification numbers.
  - 7. Taxpayer information, such as tax withholding data (RCW 42.56.230(4)).

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- (b) Records that are not covered by other specific disclosure exemption statutes must be made available for inspection and copying. This includes the following private personnel records:
1. Employee advancement or discipline reports.
  2. Personnel complaint investigations after such investigations have been completed or are no longer under review or deliberation.
  3. Department reports to CJTC regarding the separation from employment of a deputy.

When complaint investigations are complete and found to be unsubstantiated (not-sustained, exonerated or unfounded) the names and identifying information of the subject employee is protected from public disclosure. In such cases, the name and other identifying information of the subject employee may be redacted before the document or documents are released.

All requests for the disclosure of any information contained in any deputy's personnel record shall be documented in writing and promptly brought to the attention of the employee's Division Chief, the Support Services Supervisor or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made. Notification shall be consistent with any applicable Collective Bargaining Agreement.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

#### 1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or his/her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor.

The disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes

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a statement which is published in the media and which the deputy (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

### **1026.6 EMPLOYEE ACCESS TO OWN FILE**

Employees may be restricted from accessing files containing any of the following information:

- (a) Background information, letters of recommendation, test results, and promotional assessments.
- (b) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline, consistent with applicable law.
- (c) Confidential portions of Internal Affairs files which have not been sustained against the employee.

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Sheriff through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file (RCW 49.12.250).

### **1026.7 TYPES OF PERSONNEL FILES**

Peace officer personnel files can be located in any of the following places:

#### **1026.7.1 DEPARTMENT FILE**

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisors and signed by the affected employee shall be permanently maintained.
- (b) Disciplinary action;
  - 1. Summary of disciplinary action resulting from sustained complaints or observation of misconduct shall be permanently maintained in the individual employee's department file when the sanction amounts to a written reprimand or greater. A copy shall also be retained in the Supervisor's File.
  - 2. Disciplinary action resulting from a sustained complaint shall be maintained in the Internal Investigation file pursuant to the Washington State Law Enforcement Records Retention Schedule when the sanction amounts to a verbal reprimand or less. A copy shall also be retained in the Supervisor's File.

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3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal investigation file.
- (c) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s). A copy should also be retained in the Supervisor's file.
- (d) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (e) A photograph of the employee.
- (f) Pre-employment/background records and materials except medical and psychological records.

#### 1026.7.2 HUMAN RESOURCES FILE

The Human Resources file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisors and signed by the affected employee shall be permanently maintained.
- (b) Disciplinary action;
  1. Summary of disciplinary action resulting from sustained complaints or observation of misconduct shall be permanently maintained in the individual employee's department file when the sanction amounts to a written reprimand or greater.
  2. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal investigation file.
- (c) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s). A copy should also be retained in the Supervisor's file.
- (d) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.
- (e) Medical Records, maintained separately, by the Department of Human Resources, as outline in under Medical Files.

All records sent to the Department of Human Resources shall be routed through the Office of Professional Standards to ensure the complete records are sent and avoid unnecessary duplication. Payroll/fiscal records need not be routed through the Office of Professional Standards.

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#### 1026.7.3 INTERNAL INVESTIGATION FILE

The internal investigation file shall be maintained under the exclusive control of the Office of Professional Standards in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the supervisor of the Office of Professional Standards. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition.

- (a) Each investigation file shall be sequentially numbered within a calendar year with an alphabetically arranged index cross-referenced for each involved employee.
- (b) At a minimum, investigation files shall be retained pursuant to the Washington State Law Enforcement Records Retention Schedule.

#### 1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification. Upon separation from employment, the training file will be included in the Department File.

- (a) It shall be the responsibility of the involved employee to provide the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the employee's training file.

#### 1026.7.5 MEDICAL FILE

The Medical file shall be maintained by the Department of Human Resources separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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### 1026.7.6 SUPERVISOR FILES

The Supervisor File should contain, but is not limited to, supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file.

Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

Once the permanent performance evaluation form has been made final, a copy of the evaluation and the underlying foundational material(s), and/or duplicate copies shall be retained until the completion of the following annual review and then shall be purged.

All rules of confidentiality and disclosure shall apply equally to the supervisor file.

## Peer Support

### 1028.1 PURPOSE AND SCOPE

The purpose of the Peer Support Program is to prevent and/or lessen the potential negative impact of stress upon members by providing emotional support, information and assistance.

Peer Support Team Members (Peer Supporters) are fellow employees with experience and training in stress management, critical incident stress, and crisis intervention techniques.

### 1028.2 POLICY

Peers can be of unique help to each other. The Kitsap County Peer Support Program is an objective, confidential, and non-judgmental resource for employees.

Peer Supporters are intended to complement services provided by the Kitsap County Employee Assistance Program and other services within our community.

Peer Supporters are not a replacement for professional care.

### 1028.3 PEER SUPPORT OBJECTIVES

The objectives of the Peer Support Program are:

- To provide a readily accessible network of employees who are trained and willing to be of service to their fellow employees in need of assistance or support.
- To help employees through a temporary crisis.
- To help employees through work related critical or traumatic incidents.
- To develop awareness among employees that they are not alone, that people care, and that others are willing to listen, assess, and refer as needed.
- To develop an awareness of available professional and self-help opportunities.

### 1028.4 CONFIDENTIALITY

A Peer Supporter shall maintain the confidentiality entrusted to her/him and not divulge or discuss any information developed in a peer support session. No member of any rank shall ask a Peer Supporter to divulge any information acquired in their Peer Support capacity.

RCW 5.60.060 defines privileged communications between authorized Peer Supporters and law enforcement officers in the State of Washington.

The Peer Supporter shall advise the person at the onset of contact that confidentiality is to be strictly maintained except in the following instances:

- Other laws may require that a law enforcement divulge information gathered in a peer support session, such as mandatory reporting of domestic violence or other criminal conduct.

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- The Peer Supporter shall divulge information where there is reason to believe that the person intends to seriously injure his/herself or another person. The Peer Supporter shall immediately notify an appropriate supervisor in the above circumstances. That supervisor shall make reasonable efforts to advise any intended victims in those cases.
- The Peer Supporter has consent of the employee to divulge the information to another specific person or group.

### **1028.5 SELECTION OF PEER SUPPORTERS**

Peer Supporters are selected by the Sheriff and serve at the will of the Sheriff. The Sheriff shall select Peer Supporters using the following criteria:

- Members who demonstrate maturity, empathy, compassion, discretion, and good active listening skills
- Submission of a letter of interest in membership
- Department needs, such as adequate staff representation
- Personnel and Supervisory File Review
- Interview with the Peer Support Selection Committee
- Approval of the Division Chief

### **1028.6 PEER SUPPORT REQUIREMENTS**

In order to remain a Peer Supporter, the member shall:

- Attend and successfully complete the required training as specified in RCW 5.60.060 and approved by the Sheriff.
- Attend yearly update meeting/training as set by the committee.
- Maintain confidentiality
- Adhere to the policies and procedures of the Employee Support Program and the Kitsap County Sheriff's Office.

If a Peer Supporter fails to adhere to the requirements of the program, s/he shall lose active status. A member who loses active status must reapply to the program following all procedures for selection of Peer Supporters.

### **1028.7 SUPERVISOR RESPONSIBILITIES**

The Sheriff shall appoint a Lieutenant and a Sergeant to supervise the Peer Support Program. The supervisors should, if feasible, be members of the Peer Support Program prior to appointment and possess the desired traits for selection as a Peer Supporter.

The Lieutenant shall:

- appoint Peer Supporters during critical incidents



## *Peer Support*

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- approve overtime compensation requests
- ensure Peer Support Program meetings or trainings are held annually
- be the primary liaison with outside agencies providing Peer Support to our members
- be the primary liaison with outside agencies requesting Kitsap County Sheriff's Office Peer Supporters
- ensure ongoing training and examinations of best practices for the Peer Support Program
- ensure training requirements are met by Department Peer Supporters and outside agency Peer Supporters used by Department members

The Sergeant shall:

- advise of any legal changes for Peer Supporters
- plan and facilitate annual Peer Support training
- coordinate responses for department-wide events (e.g. death or illness of a member)
- maintain an active roster of Peer Supporters
- assist as a liaison with outside agencies providing or using Peer Supporters.

### **1028.8 USE OF PEER SUPPORT**

Peer Supporters may be contacted by a member requesting assistance without authorization or appointment by the department. Appointment is only required to deem communication related to a critical incident as privileged (see Critical Incident Appointment). Peer Supporters may support a member subject to an internal investigation. Any order directing a member not to talk about any aspects of the internal investigation shall not apply to communication with Peer Supporters. All communications shall be confidential as outlined in the Confidentiality section of this policy.

### **1028.9 CRITICAL INCIDENT APPOINTMENT**

A Critical Incident is any event, on duty or job related off-duty, involving actual or threatened death or serious injury, which has the potential to create a sense of fear, helplessness, horror or general distress, or an event that is overwhelming to the natural defenses of an officer.

A Peer Supporter shall not provide Peer Support if that Peer Supporter is a witness, participant, or investigator in the same critical incident.

Only those holding the rank of Lieutenant or higher are authorized to assign Peer Supporters to an employee regarding a critical incident. The Lieutenant shall make the appointment in writing to their Division Chief and the Sheriff as soon as practical.

In cases of emergencies, where it is necessary to make the appointment of a Peer Supporter immediately and no Lieutenant is available, a first level supervisor may appoint a Peer Supporter.

The supervisor will put this appointment in writing as soon as practical, but no longer than 24

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hours from the original appointment. This appointment must be authorized by a Lieutenant or higher rank within 24 hours of the critical incident.

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# Employee Commendations

## 1029.1 PURPOSE AND SCOPE

The Kitsap County Sheriff's Office rewards and recognizes outstanding service from its employees and any non-employee who performs such service while aiding the Sheriff's Office. Therefore, a formal program for awards nomination and presentation was created to ensure standardization and uniformity in the awards procedures. This policy provides general guidelines, see procedure for specific processes and awards.

## 1029.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

## 1029.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

## Fitness for Duty

### 1031.1 PURPOSE AND SCOPE

All members are required, with or without reasonable accommodation, to be able to perform their essential job functions.

### 1031.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (c) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1031.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties shall take prompt and appropriate action in an effort to address the situation.
- (b) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.
- (c) In conjunction with the Shift Sergeant or employee's available Division Chief, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (d) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

## Meal Periods and Breaks

### 1033.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees.

#### 1033.1.1 MEAL PERIODS

Sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed deputies shall take their breaks within the County limits unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1033.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor. Fifteen minute breaks may be combined with the meal period with supervisor approval.

Employees normally assigned to the sheriff's facility shall remain in the vicinity of the sheriff's facility for their breaks, unless approved by a supervisor. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios.

# Lactation Break Policy

## 1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

## 1034.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

## 1034.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

## 1034.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public (29 USC § 207 and RCW 43.70.640).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

## *Lactation Break Policy*

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### **1034.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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## Payroll Record Procedures

### 1035.1 PURPOSE AND SCOPE

Payroll records are submitted to the KCSO Timekeeper on a bi-weekly basis for the payment of wages.

#### 1035.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages. Completed time cards in Kronos shall be submitted for supervisor approval, prior to submission to the KCSO Timekeeper.

#### 1035.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis, usually on Friday, with certain exceptions such as holidays. Payroll records, such as W-4 or Direct Deposit Forms, shall be completed and turned in no later than 8:00 a.m. on the Wednesday morning before the end of the pay period, unless specified otherwise. Timecards should be approved and submitted, no later than 8:30 a.m. on the Monday following the end of the 2 week pay period.



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# Overtime Compensation Requests

## 1037.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the employee's collective bargaining agreement or Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off.

### 1037.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the maximum hours allowed per the employee's collective bargaining agreement.

## 1037.2 REQUEST FOR OVERTIME COMPENSATION

Employees or a supervisor shall enter all overtime compensation requests in the electronic payroll database as soon as practicable for verification. The entry shall include the nature of the overtime work, any associated case numbers, and the personnel number of the approving supervisor.

### 1037.2.1 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall make reasonable efforts to verify that the overtime was worked before approving the request or entry.

## Off-duty Employment (Formerly 1.5.25 of prior policy manual)

### 1038.1 POLICY

Any member who wishes to take additional employment during off duty hours will inform the Sheriff by submitting the required form. In doing so the member will fully describe the nature of the work to be performed and the hours of work. He will also state whether or not a patrol vehicle is necessary to the performance of the work and in what capacity. If an off duty employment situation interferes with the effectiveness of the department officers will be required to terminate such employment.

### 1038.2 PROHIBITED EMPLOYMENT

Employees are prohibited from working in any of the following employment situations:

1. At any occupation which would tend to lower the dignity of the law enforcement service;
2. Any employment which has any connection with the towing of vehicles or non-police employment in which an employee 's position as a deputy sheriff may gain him/her undue influence;
3. In the performance of tasks other than those of police service while in police uniform;
4. As a process server or bill collector, or in any other employment in which police authority might tend to be used for private purposes;
5. Any employment which assists in the preparation of civil cases or preparation for defense in criminal cases;
6. Employment which requires access to police records as a condition of employment;
7. Employment in any event wherein illegal activities are involved.

### 1038.3 STANDARDS OF CONDUCT REGARDING OFF-DUTY EMPLOYMENT

A) Any record of above average days off for sickness, poor work record or misconduct will be grounds for rejecting the off duty permit.

B) No deputy shall be permitted to call in late or leave his job early as a deputy sheriff to hold down extra work without prior approval of a supervisor. It is up to the deputy to make arrangements with each other so an off duty officer takes care of the extra work.

C) Officers working in an off duty capacity shall conduct themselves as though they were on duty.

D) Use of patrol vehicles on off duty jobs will be approved by the Sheriff or his designee. If the vehicle is actually used in the performance of the job, prior arrangements must be made for the use of that vehicle and the department agreeably compensated. When the vehicle is used only for transportation to off duty jobs, it should be so noted on the request form. Only officers in uniform will be allowed to operate patrol vehicles on off duty jobs unless prior written approval is obtained.

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### *Off-duty Employment (Formerly 1.5.25 of prior policy manual)*

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Written approval shall be carried in the performance of the off duty job. Use of patrol vehicles on off duty jobs shall conform to the Vehicle Use policy.

E) The primary obligation and responsibility of an officer is to the department at all times. Employees directed to report for overtime work will do so regardless of off duty employment situations.

# Occupational Disease and Work-Related Injury Reporting

## 1041.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, post-traumatic stress disorder (PTSD), and work-related injuries.

### 1041.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, PTSD, or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

## 1041.2 POLICY

The Kitsap County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.28.010 et seq.).

## 1041.3 RESPONSIBILITIES

### 1041.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but, to the extent possible, within 24 hours, to a supervisor, and shall seek medical care when appropriate.

### 1041.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification policy applies and take additional action as required.

### 1041.3.3 DIVISION CHIEF RESPONSIBILITIES

The Division Chief who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the County's risk management entity through the Office of Professional Standards to ensure any required Department of Labor and Industries reporting is made as required in the accident, illness and injury prevention plan.

## *Occupational Disease and Work-Related Injury Reporting*

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### **1041.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Chief through the chain of command and then forwarded to Kitsap County Risk Management.

This form does not need to be completed if the injury is extremely minor. If the member chooses not to seek immediate medical attention for an injury, s/he is not precluded from doing so in the future.

### **1041.5 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible. The report shall be forwarded to the Kitsap County Prosecutor's Office.

#### **1041.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

# Personal Appearance Standards

## 1043.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

## 1043.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

### 1043.2.1 HAIR

Hairstyles of all members shall be neat in appearance and of a naturally occurring human hair color. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than shoulder level when worn down. Hair longer than shoulder level shall be worn up or in a tightly wrapped braid or ponytail.

### 1043.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

### 1043.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

### 1043.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or his/her designee.

### 1043.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, Deputies' and Corrections Officers' fingernails shall be trimmed so that no point of the nail extends more than one-eighth of an inch beyond the tip of the finger.

### 1043.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies or corrections officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

## *Personal Appearance Standards*

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Stud/post earrings may only be worn in the earlobe by female uniformed members, detectives or special assignment personnel except with permission of the Sheriff or his/her designee. Only one ring/set may be worn on each hand of the employee while on-duty.

### **1043.3 TATTOOS**

While on-duty or representing the Department in any official capacity, tattoos or body art shall not be visible, except when:

- (a) applied by April 15th, 2017, and
- (b) on a member hired before April 15th, 2017, and
- (c) not covering more than 25% of the visible areas of the arm or leg while in uniform, and
- (d) does not conflict with the mission and values of the Department or adversely affect the perception of the fair and impartial performance of the member's duties.

### **1043.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Sheriff. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

# Uniform Regulations

## 1045.1 PURPOSE AND SCOPE

The uniform policy of the Kitsap County Sheriff's Office is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Department Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

[See attachment: Corrections Division Uniforms \(12-05-2018\) \(002\).pdf](#)

[See attachment: KCSO Uniform Specifications updated 3-1-19.pdf](#)

The Kitsap County Sheriff's Office will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

## 1045.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform, except as set forth in the Uniform and Equipment Specifications manual for Support Services personnel.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.



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- (h) If the uniform is worn while in transit in a personally owned vehicle, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Sheriff or his/her designee.
  - 1. Wrist watch.
  - 2. A maximum of one ring/ set may be worn on each hand.
  - 3. Female uniformed personnel may wear post/stud earrings in the ear lobes.
  - 4. Medical alert bracelet.

#### 1045.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times outside of Sheriff's Office Facilities while on duty or when carrying a concealed weapon under his/her authority as a Washington State Peace Officer.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Chief.

### **1045.3 UNIFORM CLASSES**

#### 1045.3.1 CLASS A UNIFORMS

The Class A and Class A dress uniform is required for all sworn personnel. The Class A dress uniform is to be worn for court appearances and on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A dress uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie.
- (b) Polished shoes.

Boots with pointed toes are not permitted.

See Uniform and Equipment Specification Manual for differences between Class A and Class A dress uniform for each rank.

#### 1045.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

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The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white or black crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Approved all black shoes may be worn.
- (f) Boots with pointed toes are not permitted.

### **1045.3.3 CLASS C UNIFORM**

The Class C uniform may be established to allow field personnel cooler clothing during special duty. The Sheriff will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

### **1045.3.4 SPECIALIZED UNIT UNIFORMS**

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Deputies and other specialized assignments.

### **1045.3.5 FOUL WEATHER GEAR**

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

## **1045.4 INSIGNIA AND PATCHES**

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) **Service stripes, stars, etc.** - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform per the Uniform and Equipment Specifications manual.
- (c) **The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform.** The nameplate shall, at a minimum, display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) **When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.**
- (e) **Assignment Insignias** - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.
- (f) **Flag Pin** - A flag pin may be worn, centered above the nameplate.

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- (g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform per the Uniform and Equipment Specifications manual.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

### **1045.4.1 MOURNING BADGE**

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) Member of this department - From the time of death until midnight on the 14th day after the death.
- (b) Law enforcement officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen deputy.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Sheriff.

### **1045.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative and investigative personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative and investigative who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals or thongs.
  - 3. Swimsuit, tube tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful printed slogans, buttons or pins.

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- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Kitsap County Sheriff's Office or the morale of the employees.

#### **1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Sheriff, Kitsap County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Kitsap County Sheriff's Office, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

#### **1045.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (See the Department Owned and Personal Property Policy).

#### **1045.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Kitsap County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications manual or by the Sheriff or designee.

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LE Policies

## *Uniform Regulations*

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Kitsap County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications manual or by the Sheriff or designee.

# Sheriff's Cadets

## 1047.1 PURPOSE AND SCOPE

The Cadet Law Enforcement Program is dedicated to the education and involvement of youth in police operations, and to interest them in possible law enforcement careers. Our goal is to provide the youth of Kitsap County an opportunity to observe, learn and participate in various law enforcement activities on a first-hand basis. We provide an opportunity for service, practical experiences, competition and recreation. The program objectives include helping to prepare Cadets to become better citizens and community members through character development, physical fitness, and good citizenship.

Members of the cadet program participate in a number of events involving law enforcement. Most events provide some form of crime prevention, education or traffic direction for various organizations within the community. The cadets volunteer hundreds of hours to meet the needs of our county residents and to make a positive difference in their community. Cadets regularly participate in competitions that test their skills and provide a realistic application for their training. Training is sponsored by the Sheriff's Office and instructors come from various agencies within and outside of the county.

## 1047.2 MEMBERSHIP

Being a member of the cadet program is an honor and privilege. Trust is placed upon these volunteers to conduct themselves in an ethical, moral and professional manner. Any person holding a position or office in the cadet program does so at the convenience of the Sheriff or their designee. Violations of the law, sheriff office policies or those of the cadet program may be grounds for disciplinary action and/or dismissal.

The Kitsap County Sheriff's Cadet program is sponsored by the Kitsap County Sheriff's Office at the discretion of the Sheriff or their designee, and is registered as a Learning For Life Law Enforcement Exploring Post.

The Kitsap County Sheriff's Cadet Program is open to young adults ages 16, and graduated from the ninth grade, through 20, or to their 21st birthday. A background check shall be completed for each applicant, to include an interview.

As a prerequisite for joining, a hold harmless and release form for the agency and Learning for Life must be executed by the parents or legal guardian and/or the Explorer if of legal age to sign such a form.

All members of the cadet program, including the Leadership, shall be registered with Learning For Life Law Enforcement Explorers.

## 1047.3 PROGRAM LEADERSHIP

The Cadet program shall be managed by a Post Coordinator. The Post Coordinator will report to a Patrol Lieutenant and the program will fall under the supervision of the Patrol Chief. The

## *Sheriff's Cadets*

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Coordinator will be responsible for overseeing the education and performance of the cadets as well as general management of the program. Post Advisors should also assist with handling the general management of the program. Along with the Post Coordinator, the Advisors will serve as mentors and teachers for the cadets. The leadership of the program shall meet the requirements of the current Learning For Life policy, to include having at least one male and one female adult advisor/coordinator.

### **1047.4 CADET MANUAL**

A Cadet Manual will be maintained by the Program Coordinator and should outline its general management, to include training, uniforms, discipline, attendance issues and record keeping in regards to the cadets.

### **1047.5 CADET UNIFORMS**

Each cadet will be provided a uniform, meeting the specifications described in the Cadet Manual. Those uniforms will be worn for Sheriff's Office functions only. The cadets will take care to conceal/cover any identifying uniform pieces when traveling in a private vehicle.

Cadets are not permitted to carry offensive or defensive weapons, to include firearms, batons, knives with blades in excess of four inches, chemical repellents or EMDTs.

### **1047.6 OPERATING COUNTY OWNED VEHICLES**

To be eligible to drive a county owned vehicle, a cadet should be at least 18 years old and possess a valid driver's license. They should be proficient with police radio procedures and must have passed EVOC training for vehicle placement at least one time per year. Cadets will not run code (i.e. use emergency lights and siren to drive around other traffic) to respond to an emergency.

A cadet who is at least 16 years of age and possesses a valid driver's license may operate a county owned vehicle under the following conditions: The cadet must be directed to drive the vehicle by a regular deputy or the sheriff, for good cause, or, in the case of an extreme emergency situation where the regular driver is incapacitated or unable to give approval.

### **1047.7 RIDE-ALONG PROCEDURES**

Cadets are authorized to participate in the Ride-Along Program according to the guidelines in the Cadet Manual. Those guidelines include possessing a valid driver's license and successful completion of basic cadet instruction. Cadets shall wear their uniform and a protective vest while participating in a ride-along and shall also carry a communications radio.

Cadets under the age of 18 should not participate in the Ride-Along program between the hours of midnight and 0600 hrs.

To the extent possible and reasonable during a Ride-Along the cadet will adhere to the directions given by their supervising deputy.

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### *Sheriff's Cadets*

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Cadets should not participate in high risk calls, such as foot pursuits, K9 tracks for suspects, and covert operations. The supervising deputy responsible for the cadet must, based upon the circumstances presented, use his/her best professional judgment with respect to the safety and security of the cadet.

#### **1047.8 CADET FIREARMS TRAINING**

Classroom instruction by a Washington State CJTC certified firearms instructor will be provided prior to any cadet post member handling a firearm. A Cadet-only shooting range will be schedule for members of the post after classroom instruction has been completed. All firearms at the Cadet-only ranges will be provided by the Kitsap County Sheriff's Office. Cadets are not allowed to bring personally owned firearms to any KCSO range.

#### **1047.9 PROFESSIONALISM**

The relationship between cadets and advisor, deputies and personnel of the Kitsap County Sheriff's Office shall be of a professional and appropriate nature only. Sheriff's Office employees are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with cadets, regardless of the cadet's age and/or regardless of whether the cadet may have "consented" to such conduct.

Sheriff's Office employees shall not entertain cadets, socialize with cadets, or spend an excess amount of time with cadets in such a manner as to reasonably create the impression that an unprofessional relationship exists.

Sheriff's Office employees shall not "friend" or otherwise correspond through social media websites, other than through business pages or websites, with cadets. Some situations may be approved on a case by case situation.



# Nepotism and Conflicting Relationships

## 1049.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

### 1049.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 1049.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the direct line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship, without approval of the Sheriff.

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### *Nepotism and Conflicting Relationships*

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
  3. First level supervisors shall not work any shift that has scheduled overlap with any other employee who is a relative or with whom they are involved in a personal or business relationship. This does not apply to employees working a 10 hour 40 minute shift who work opposite teams, but overlap every other Friday.
  4. On scheduled overlapping Fridays the Office will make reasonable efforts to ensure that another supervisor is available during the overlap.
  5. Supervisors should make every attempt to ensure that employees of the same job classification who:
    1. are relatives
    2. they are involved in a personal relationship with
    3. they are involved in a business relationship outside of their work at the officework different areas or posts.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

## *Nepotism and Conflicting Relationships*

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### 1049.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolvement, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolvement, immediate supervisor. In the event that no uninvolvement supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolvement employee either relieve the involved employee or minimally remain present to witness the action.

### 1049.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

# Domestic Violence Involving Law Enforcement Employees

## 1051.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

### 1051.1.1 DEFINITIONS

**Agency** - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020, Federal Law Enforcement agencies, and state and federal departments of corrections.

**Employee** - Means any person currently employed with an agency.

**Sworn Employee** - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28, a tribal officer commissioned by a federally recognized Indian Tribe, a federal law enforcement officer with the power to arrest outside of federal enclaves.

## 1051.2 DEPARTMENT RESPONSIBILITIES

Kitsap County Sheriff's Office has the following obligations (RCW 10.99.030 and 10.99.090):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Kitsap County Sheriff's Office employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Kitsap County Sheriff's Office may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by an employee of this agency or a sworn employee of any agency must immediately report that allegation to their supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.

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### *Domestic Violence Involving Law Enforcement Employees*

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- (g) Provide information to employing law enforcement agencies as soon as practicable but no later than 24 hours of a domestic violence or domestic dispute report involving an employee of a law enforcement agency.
- (h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.
- (i) Provide victims of domestic violence by Kitsap County Sheriff's Office employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.
- (j) Provide victims of domestic violence by Kitsap County Sheriff's Office employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- (k) Respond to Kitsap County Sheriff's Office employees who are alleged victims of violence at the hands of sworn employees of the Kitsap County Sheriff's Office. Safety concerns and domestic violence services information will be reviewed with the victim employee.
- (l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Kitsap County Sheriff's Office or through agreements with other law enforcement agencies
- (m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

#### 1051.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

#### 1051.2.2 LIEUTENANT RESPONSIBILITIES

A Lieutenant notified of an incident covered by this policy shall promptly notify the Sheriff via the chain of command of such incident and:

- (a) If a KCSO employee is involved they shall:
  - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall

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### *Domestic Violence Involving Law Enforcement Employees*

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be removed pending investigation outcome and possible prosecutorial charging decision.

2. Issue an administrative order prohibiting contact with the victim if appropriate.
  3. Forward information on the incident to the office of professional standards, appropriate Division Chief and/or the Sheriff for review and further action.
  4. Respond or designate another member of the command staff to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved they shall:
1. Notify the command of the employing agency as soon as practicable but no later than 24 hours after a domestic dispute or domestic violence incident.
  2. Offer assistance with removing weapons, police powers, etc.
  3. Ensure that the Kitsap County Sheriff's Office provides appropriate reports and any other requested documentation to the employing agency.

#### 1051.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

- (a) In all instances of law enforcement domestic violence the Domestic Violence Specialist shall:
1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
  2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
  3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns if requested by the victim. Victim notification of each step of the administrative process is critical to victim safety.
- (b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any law enforcement agency employee or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this department, the Domestic Violence Specialist shall:
1. Contact the victim.
  2. Introduce the point of contact.
  3. Provide an update regarding the administrative process.

## *Domestic Violence Involving Law Enforcement Employees*

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### **1051.3 EMPLOYEE ACTIONS**

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.
- (b) Employees with knowledge or information about any employee of this agency, or a sworn employee of any agency, in violation of this policy must report in writing to their supervisor or the Office of Professional Standards as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.
- (d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Office of Professional Standards within 24 hours.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Office of Professional Standards or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or RCW 26.50 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

### **1051.4 INCIDENT RESPONSE**

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Prompt notification through the chain of command to the Sheriff of this department; and if the incident involves employees of another agency, notification of the agency

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### *Domestic Violence Involving Law Enforcement Employees*

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head of the employing agency or federal law enforcement agency division/regional command.

- (c) The Sheriff may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest
- (d) In the event of a report of domestic violence alleged to have been committed by the Sheriff, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

#### 1051.4.1 PATROL RESPONSE

A patrol deputy responding to an incident described as domestic violence involving employees and sworn employees shall notify a supervisor and should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
  - 1.
    - Signed medical releases upon consent.
    - Statement of the victim; statement of the suspect, if provided.
    - Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
    - Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Specialist. Access to the report should then be restricted to some form of "read only" version or physically secured.

#### 1051.4.2 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Kitsap County Sheriff's Office involving any law enforcement officer.



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- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- (e) In the event of the arrest of a sworn employee of the Kitsap County Sheriff's Office, contact the Sheriff via the chain of command (if possible) who will order the surrender of the deputy's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- (f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.
- (g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.
- (h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.
- (i) Provide the victim with a copy of this policy and KCSO contact information, acting as the point of contact until another assignment is made.

#### **1051.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION**

The Kitsap County Sheriff's Office will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

- (a) Information on how to obtain protective orders and/or removal of weapons from his/her home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.
- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.
- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.
- (f) The Kitsap County Sheriff's Office will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

## Department Badges

### 1053.1 PURPOSE AND SCOPE

The Kitsap County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Kitsap County Sheriff's Office are the property of the Department and their use shall be restricted as set forth in this policy.

### 1053.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1053.2.1 FLAT BADGE

Sworn members may be issued or may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) A member may sell, exchange, or transfer the flat badge he/she purchased to another member within the Kitsap County Sheriff's Office with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the member's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired member may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1053.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Support Services).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### 1053.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may be given or may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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### **1053.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1053.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Kitsap County Sheriff's Office. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion, if applicable, displays the initials of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

# Temporary Modified-Duty Assignments

## 1055.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

## 1055.2 POLICY

Subject to operational considerations, the Kitsap County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

## 1055.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Kitsap County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

## 1055.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Chiefs or the authorized designees for approval. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.

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- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Chief or authorized designee shall document the approval or denial in writing and designate a temporary supervisor for the employee for the duration of the modified duty assignment.

### 1055.4.1 MODIFIED DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Chief.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

### 1055.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken.
- (b) Employees shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider.
- (c) Supervisors shall keep the Division Chief apprised of the employee's status and ability to perform the modified duty assignment.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Chief. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

### 1055.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

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### **1055.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee's medical appointments, as mutually agreed upon with the Division Chief.

#### **1055.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty. This requirement may be waived by the supervisor if there is no anticipated change in restrictions or anticipated return date.

#### **1055.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but are not limited to:

- (a) Periodically apprising the Division Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

### **1055.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy, Rules of Civil Service, and any applicable collective bargaining agreement.

### **1055.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled

## *Temporary Modified-Duty Assignments*

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employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005.

### **1055.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

### **1055.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **1055.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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# Employee Speech, Expression and Social Networking

## 1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Kitsap County Sheriff's Office will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Kitsap County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates.



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Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

### **1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Kitsap County Sheriff's Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty or not related to a matter of public concern, is significantly linked to, or related to, the Kitsap County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Kitsap County Sheriff's Office or its employees. Examples may include:
  - 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  - 2. Expression that demonstrates support for criminal activity.
  - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the Law Enforcement Code of Ethics as adopted by the Kitsap County Sheriff's Office.

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- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee (RCW 9A.68.020).
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Kitsap County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Kitsap County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Kitsap County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this

## *Employee Speech, Expression and Social Networking*

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department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Kitsap County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

### **1058.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### **1058.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

### **1058.7 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

# Line-of-Duty Deaths

## 1059.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Kitsap County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

For additional information and checklists for specific procedures, please review the Critical Incident Response Operations Manual.

The Sheriff may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1059.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 1059.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1059.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor or coworker should provide all reasonably available information to an on-duty supervisor or Lieutenant.
  - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The on-duty supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

## *Line-of-Duty Deaths*

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- (c) If the member has been transported to the hospital, the on-duty supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### **1059.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Shift Sergeant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Kitsap County Sheriff's Office members may be apprised that survivor notifications are complete.

### **1059.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Sheriff.

### **1059.5 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Sheriff are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

### **1059.6 LIAISONS AND COORDINATORS**

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### **1059.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Division Chief or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Sheriff. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.

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- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

### 1059.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Department members and friends of the deceased member.
  - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Kitsap County Sheriff's Office members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.



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### 1059.6.3 SURVIVOR (FAMILY) SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Chief. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  - 1. Items should not be delivered to the survivors until they are ready to receive the items.
  - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
  - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

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- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

### 1059.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Sheriff or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

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- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

#### 1059.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

#### 1059.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Kitsap County Sheriff's Office members can attend funeral services as possible.

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The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

### 1059.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Death benefit (RCW 41.26.510)
  - 2. Education benefit (RCW 28B.10.567; RCW 28B.15.380; RCW 28B.15.520)
  - 3. Retirement benefits (RCW 41.04.393)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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### 1059.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

### 1059.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

## *Line-of-Duty Deaths*

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

### **1059.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

### **1059.9 INVESTIGATION OF THE INCIDENT**

The Sheriff shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### **1059.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

### **1059.11 NON-LINE-OF-DUTY DEATH**

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

## **Attachments**

## **KCSO Mission Statement.pdf**



## **APPOINTMENTS.pdf**

## **Corrections Division Uniforms (12-05-2018) (002).pdf**

## **Corrections Division Uniform Outline (12-05-2018)**

- **Class A and Dress A Uniform:** Silver Tan Shirt and OD Green pants. See the Kitsap County Sheriff's Office, LE Policy Manual (Lexipol); Chapter on “Uniform Regulations” (currently #1045) as well as appendix titled “Kitsap County Sheriff's Office Uniform and Equipment Specifications” for specific details on product and proper appearance.
- **Class B Uniform (Working uniform)**
  - OD Green BLAUER shirt (Short and Long Sleeves)
    - Polyester/Cotton Blend, Rip Stop Material
    - Cloth sew on badges (Agency Issued)
      - Silver (Officers)
      - Gold (Sergeants)
    - Name tape (Agency Issued)
      - Black lettering w/OD Green background and Black border (All)
    - Sergeant Stripes (Agency issued)
      - OD Green w/Black border
    - Service Stripes (Agency Issued)
      - OD Green stripes w/Black border
  - OD Green BLAUER Pant
    - Polyester/Cotton Blend, Rip Stop Material, Cargo pocket/Tactical Duty Uniform (TDU)
    - To be worn by all Sergeants and Officers
  - Silver Tan BLAUER Supershirt (Long Sleeve or Short Sleeve)
    - To be worn by all Court Officers, Planned Transport Officers, and other personnel who generally or regularly work in view of the public.
    - Sergeants and Officers will wear plastic buttons and agency issued name tape as well as Agency issued Metal Badges
    - Service Stripes (Agency Issued)

- OD Green stripes w/Black border
- **Uniform Jacket**
  - Black 5.11 (Agency Issued)
- **Inclement Weather Hats**
  - Agency Issued baseball cap
  - **OR**
  - Agency Issued Stocking cap
- **Lieutenants Uniform (And ranks above)**
  - (Have a choice of Class A or Class B pants and shirts as their working uniform)
    - Class B Uniform
      - Silver Tan BLAUER Supershirt
        - Long Sleeve or Short Sleeve
        - Metal buttons, metal name tags, rank insignia, as well as Metal Badges
      - OD Green BLAUER Pant
        - Polyester/Cotton Blend, Rip Stop Material, Cargo pocket/Tactical Duty Uniform (TDU)
    - **OR**
    - Class A Uniform
      - Silver Tan BLAUER Long Sleeve Wool Blend Shirt
        - Metal buttons, metal name tags, rank insignia, as well as Metal Badges
      - OD Green Elbeco trousers
        - Wool Pants (LA County)

## **SWAT SOP final draft.pdf**

## **KCSO Uniform Specifications updated 3-1-19.pdf**

# **Kitsap County Sheriff's Office**

## **Uniform and Equipment Specifications**

### **Class "A" DRESS Uniform for all personnel**

Silver Tan Long Sleeve Wool Blend Shirt with Black Tie OD  
Green Elbeco Pants WITHOUT Stripe  
Metal Name Tags  
Metal Buttons Collar  
Brass Service Stripes

Award and /or Assignment Citation Bars worn on Class A uniforms only

### **Class "B" Uniforms**

#### **Shirt Options**

Silver Tan BLAUER Supershirt (Long Sleeve or Short Sleeve)  
Silver Tan BLAUER Armorskin Base Shirt with Outer Vest Carrier (Long or Short Sleeve)

Lieutenants and above will wear metal buttons and metal name tags at all times  
Sergeants and below will wear plastic buttons and sewn on name tag but MAY wear metal buttons if desired.

Award or Assignment pins or patches will no longer be authorized to be worn on "soft" uniform shirts.

#### **Pants Options**

OD Green BLAUER Rayon Side Pocket Trousers  
OD Green Elbeco trousers without stripe  
OD Green BLAUER 4-Pocket Wool Blend Trousers

Tan/Green Jumpsuit from **BLUMENTHALS** and **BRATWEAR**.

### **Jumpsuit Template (All personnel including K-9)**

Tan/Green with Silver Reflective "SHERIFF" on the back Metal  
Badge  
2-Breast Pockets (Breast pockets may have hidden pocket behind them) 2-  
Front Hip Pockets  
2-Back Pockets 2-  
Pen Holders  
1-Knife Holder  
1-Microphone tab 2-  
Epaulets  
2-Flashlight side pockets  
1-"Nasatansky" Zipper (for females only or doctor's note for 50+ ©)

Specialty units may add items if approved by the Sheriff or his designee.

### **Foul (Inclement) Weather Gear**

Issued rain pants and jacket  
Issued baseball cap

Black stocking cap

### **Kitsap County Sheriff's Office Uniform Options and Classification**

#### **Class A (Dress) Uniforms**

Qty	Item	Color	Manuf.	Item #
1	Long/Short Sleeve Wool Blend Shirt	Silver Tan	Blauer	8450/8460
1	Wool Pants (LA County)	OD Green	Elbeco	E8149R
1	Neck Tie	Black	Uniform Cravats	UA521
N/A	Brass Buttons, Collar Brass, ,Metal Nametag	Brass	Varies	Varies

#### **Class B Uniform**

Qty	Item	Color	Manuf.	Item #
2	Long/Short Sleeve Wool Blend Supershirt	Silver Tan	Blauer	8436/8446
2	Long/Short Sleeve Wool Blend Base Shirt	Silver Tan	Blauer	8471/8472
1	"Armorskin" External Vest Carrier	Silver Tan	Blauer	8470
2	Side Pocket Rayon Blend Pants	OD Green	Blauer	8980
1	Wool Blend, 4-Pocket Pants	OD Green	Blauer	8560
1	Jumpsuit	Tan/Green	Blum/Brat	

### **Uniform for Support Services (excluding Property/Evidence Technicians)**

Issued Gray Embroidered Vest

Black Business Slacks/Trousers (not denim) with belt (provided)

Approved black shoes (not provided) –

Undershirt (not provided) as specified below:

- Solid color, black or white (no see through or transparent fabric, no large visible logos)
- Long or short sleeve (no sleeveless shirts)
- Shirts must have conservative, modest neckline. Revealing clothing is unacceptable. Anything showing cleavage is not allowed.

All uniforms must meet uniform guidelines. Employees are responsible for replacing personally purchased items (shoes and undershirts) which are found to be outside of acceptable standards. Replacement of these items will not result in any additional reimbursement to the employee other than those outlined in the collective bargaining agreement and memorandum of understanding.





Class {{A" Dress Uniform – Deputy Sheriff



Service Stripes  
Left Sleeve  
1 Stripe = 3 years  
Commissioned Service



Elbeco LA County Wool Pants

Class "A" Dress Uniform – Deputy Sheriff - Sergeant



Service Stripes  
Left Sleeve  
1 Stripe = 3 years  
Commissioned Service



Elbeco LA County Wool Pants



Class "A" Dress Uniform – Deputy Sheriff - Lieutenant



Service Stripes  
Left Sleeve  
1 Stripe = 3 years  
Commissioned Service



Elbeco LA County Wool Pants

Class "A" Uniform – Deputy Sheriff – Sergeant - Administration



Side Pocket Rayon Blend Pants



Wool Blend 4-Pocket Pants



Elbeco LA County Wool Pants



Class "B" Working Uniform - Deputy Sheriff - Sergeant



Side Pocket Rayon Blend Pants

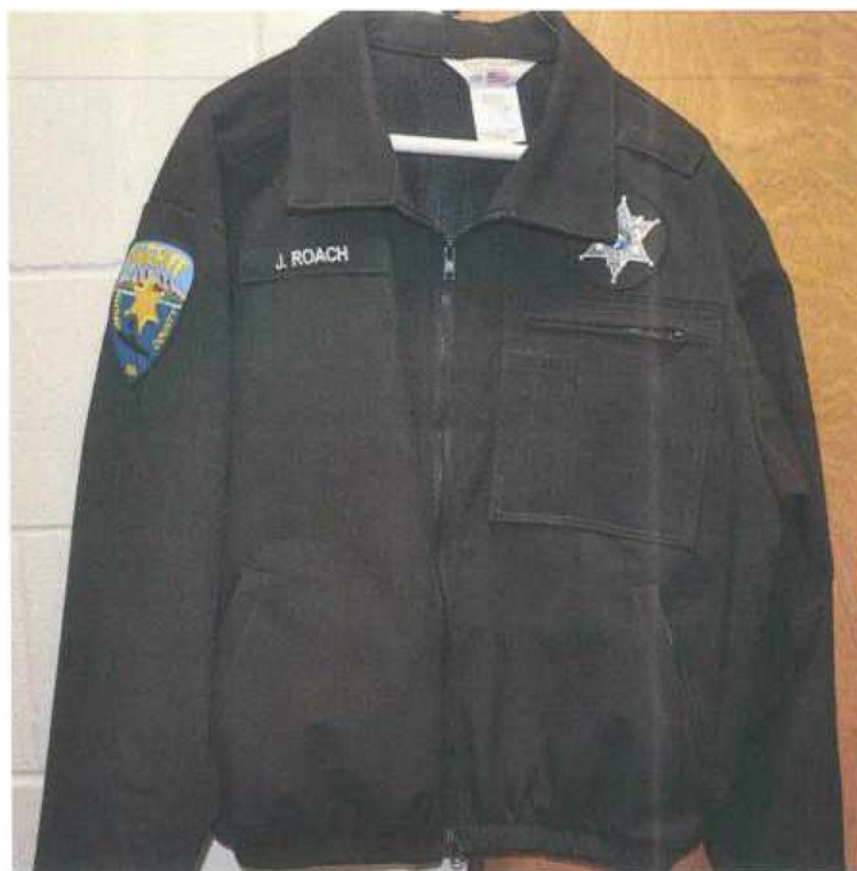


Wool Blend 4-Pocket Pants

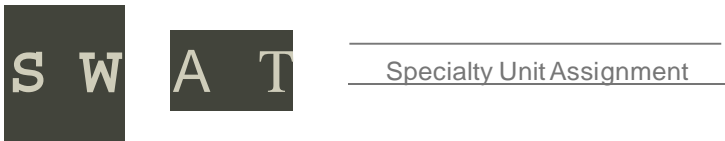


Elbeco LA County Wool Pants

Inclement Weather Jacket - Deputy Sheriff - Sergeant - Administration



Award and Unit Citation Bars - Order of Importance





## **Kitsap County Exposure Control Plan.pdf**

# EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

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## INTRODUCTION

The Kitsap County Exposure Control Plan is adopted for the purpose of providing a work environment which is as free as possible from risk of infection by bloodborne pathogens or other potentially infectious materials for employees subject to occupational exposure.

This Plan shall be reviewed and updated annually, when necessary, to reflect new or revised employee positions with occupational exposure, or upon the introduction of new or modified tasks and procedures.

This plan is implemented in accordance with RCW 49.17.040, 49.17.050, and 49.17.060 and the Bloodborne Pathogens Standard, WAC 296-62-08001.

## DEFINITIONS

*Bloodborne Pathogens:* Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

*Contaminated:* The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

*Contaminated Laundry:* Laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

*Occupational Exposure:* Reasonably anticipated

*Contaminated Sharps:* Any contaminated object than can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

*Decontamination:* The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

*Engineering Controls:* Controls (e.g., sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogens hazard from the workplace.

*Exposure Incident:* Specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

*Handwashing Facilities:* A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

*Licensed Healthcare Profession:* A person whose legally permitted scope of practice allows him or her to independently perform the activities required by paragraph (f) Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up.

*HBV:* Hepatitis B virus.

*HIV:* Human immunodeficiency virus.

skin, eye, mucous membrane, or parenteral contact

## 2 RISK MANAGEMENT GUIDELINES

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with blood or other potentially infectious materials that may result from the performance of an employee's duties.

*Other Potentially Infectious Materials:* (1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV- containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

*Parenteral:* Piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, or abrasions.

*Personal Protective Equipment:* Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

*Regulated Waste:* Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

*Source Individual:* Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

*Universal Precautions:* An approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

*Work Practice Controls:* Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

## **EXPOSURE DETERMINATION**

A. The following are job classifications, by department, in which ALL employees in those classifications may be exposed to bloodborne pathogens or other potentially infectious materials:

### Community Development

Fire Inspector  
Fire Marshall

### Coroner

Coroner  
Deputy Coroner  
Senior Deputy Coroner

### Facilities Maintenance

Custodian

### Human Resources

Nurse

### Juvenile Court

Juvenile Detention Specialist  
Lead Juvenile Detention Specialist  
Detention Services Supervisor  
Juvenile Services Manager (Detention)

### Parks and Recreation

Park Worker  
Lifeguard  
Park Operations/Maintenance Supv.

### Recovery Center

Housekeeper  
ITA/Detox Counselor  
Treatment Assistant  
Treatment Assistant Supervisor  
Family CD Counselor  
Nurse

### Sheriff/Corrections

Process Server  
Corporal  
Patrol Captain  
Chief Criminal Deputy  
Lieutenant  
Sergeant  
Corrections Officer  
Sheriff  
Undersheriff  
Chief Civil Deputy  
Deputy Sheriff  
Detective/Investigator  
Crime Scene Officer  
Community Service Officer  
Reserve Deputy Sheriff  
Sheriff Cadet  
Property Custodian  
Corrections Supervisor  
Corrections Lieutenant  
Kitchen Supervisor  
Cook/Jail  
Superintendent of Corrections

B. The following are job classifications, by department, in which SOME employees in those classifications may be exposed to bloodborne pathogens or other potentially infectious materials:

### Public Works

Extra Help  
Solid Waste Facility Attendant

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C. The following tasks are performed by employees in Part B which may involve occupational exposure to bloodborne pathogens or other potentially infectious materials:

Road Maintenance - pick up and transport collected litter.

**It is intended that each Department/Office which has employees named in Sections A and B of Exposure Determination shall develop and communicate those procedures necessary to meet the requirements of the Kitsap County Exposure Control Plan. Each Department/Office will designate an "Exposure Control Officer" to administer the program. Questions related to the implementation of this plan can be directed to the Risk Manager.**

### **WORK PRACTICE CONTROLS**

All procedures performed by County employees shall be done in such a manner as to prevent or minimize any splashing, spraying, or spattering of blood or other potentially infectious materials.

Employees shall be prohibited from eating and drinking, applying cosmetics or lip balm, and handling contact lenses in any work area where there is a reasonable likelihood of exposure to blood or other potentially infectious material. Employees shall be prohibited from storing food or drink in refrigerators, freezers, shelves, cabinets or counter tops where blood or other potentially infectious material may be present.

### **UNIVERSAL PRECAUTIONS** **SHARPS AND DISPOSABLE** **SHARP ITEMS**

These are approaches to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens. Therefore, universal precautions are intended to protect employees from exposure to bloodborne pathogens in blood, semen or vaginal fluids which can be transmitted in the following ways:

- Parenteral: Introduced otherwise than by way of the intestine, usually by sharp instrument, needlestick injury, human bite, or abrasions.
- Mucous membrane: By way of the eyes, nose, or mouth.
- Non-intact skin exposure: Such as by contact with an abrasion or open wound.

### **BODY FLUIDS**

Fluids that have been recognized by Centers for Disease Control (CDC) as directly linked to the transmission of HIV and/or HBV to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses. All such fluids should be treated as if known to be infected with bloodborne pathogens.

All such sharp items shall be placed in an appropriately labeled container, as outlined in the housekeeping section of this policy.

The person using the sharp instrument or item shall be responsible for its proper disposal immediately after use or as soon as feasible.

Needles shall not be recapped, purposely bent or broken, or removed from disposable syringes. (If recapping or removal is necessary, it must be accomplished by using a mechanical device or a one-handed technique.)

### **LINENS AND LAUNDRY**

Contaminated laundry shall be handled as little as possible with a minimum of agitation. Contaminated laundry shall be bagged at the location where it was used and shall not be sorted or rinsed in the location of use.

Contaminated laundry shall be placed in a leak-proof bag which shall be marked appropriately to indicate the potential infectious status of its contents. Should outside contamination occur, double bagging shall be required.

Employees who handle or have contact with contaminated laundry shall wear gloves.

### **HAND WASHING**

Employees shall immediately and thoroughly wash hands and other exposed skin surfaces after removal of gloves, using warm water and soap.

- If handwashing facilities are not immediately available and an antiseptic hand cleaner or towelette is used, hands shall be washed with warm water and soap as soon as is feasible.

These procedures shall also be followed after

removal of other personal protective equipment following accidental exposure to blood or body fluids.

### **PERSONAL PROTECTIVE EQUIPMENT**

Where there is the risk of occupational exposure, Kitsap County Departments/Offices shall provide and maintain personal protective equipment which is relevant to the procedures and job functions of their employees. Employees shall use appropriate protective equipment for the task they are performing, except in those rare and extraordinary circumstances when such use would, in the employee's professional judgement, prevent the service from being provided. In such cases the incident shall be reported to the supervisor as soon as feasible, and the supervisor shall be responsible to see that the incident is investigated and documented in order to determine if changes can be instituted to prevent such occurrences.

The use of gloves is indicated and shall be worn for:

- All job tasks which involve potential exposure to blood or body fluids.
- If the employee has cuts, abraded skin, chapped hands, dermatitis, or other non-intact skin.
- During all cleaning of blood or body fluids and decontaminating procedures of areas or equipment.
- When scrubbing instruments contaminated with blood or body fluids prior to sterilization and which are capable of causing puncture or cut

wounds.

- Single-use gloves shall be disposed of immediately following use.
- Masks and eye protectors shall be available and be required to be used when contamination of mucosal membranes (eye, nose, or mouth) with body fluids is likely to occur.
- Lab coats or other appropriate protective wear shall be provided for employee use when splashes to skin or clothing with body fluids is likely to occur.
- CPR masks shall be provided to minimize the need for mouth-to-mouth resuscitation and shall be easily accessible in the event resuscitation is necessary. Mouth suctioning of blood or other potentially infectious materials is prohibited.
- Reusable personal protective equipment shall be rinsed and sterilized.

All personal protective equipment shall be removed and placed in the appropriate area or container prior to leaving the work area.

### **SPECIMENS**

All specimens of blood or other potentially infectious materials shall be placed in appropriate containers which prevent leakage during collection, handling, processing, storage, or transporting. Containers shall be closed and labeled prior to transporting. If outside contamination of the primary container occurs, it shall be placed in a secondary lead-proof container

which also must be appropriately labeled.

### **HOUSEKEEPING**

All equipment and work surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious material.

Protective coverings used to cover equipment shall be removed and replaced as soon as feasible after being contaminated.

All bins, cans, or similar receptacles which will be reused and which may be contaminated shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible after contamination is observed.

Broken glassware which may be contaminated shall not be picked up by hand, but cleaned up by using a broom and dust pan, tongs, or forceps.

Reusable equipment or other items shall be cleaned and decontaminated as soon as is feasible. See Attachment A for information on disinfectants and their use.

### **REGULATED WASTE**

Regulated waste shall be considered to include the following:

- Liquid or semi-liquid blood or other potentially infectious materials;
- Contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed;

- Items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling;
- Contaminated sharps;
- Pathological and microbiological wastes containing blood or other potentially infectious materials.

All regulated waste shall be placed in appropriately labeled containers, which shall be closable and able to prevent leakage during handling, storage, or transport.

Containers shall be closed prior to removal to prevent spills or leaks.

If outside contamination occurs, the container shall be placed in a secondary container which is also closable, able to prevent leakage, and appropriately labeled.

Contaminated sharps shall be discarded immediately after use, or as soon as feasible, in appropriate containers. Containers are to be:

- Closable.
- Puncture resistant.

## **BIOHAZARD**

Warning labels shall be affixed to containers by string, wire or adhesive in order to prevent their unintentional removal.

- Leak-proof on sides and bottom.
- Appropriately labeled.
- Maintained upright.
- Emptied or replaced daily or whenever 2/3 full.

When moving containers containing contaminated sharps, care shall be taken to assure the container is closed to prevent spillage or protrusion of contents. In the event of leakage or protrusion, the container shall be placed in a secondary container which must also be closable, puncture resistant, and leak-proof.

## **SIGNS AND LABELING**

Warning labels shall be affixed to all containers of regulated waste, refrigerators or freezers containing blood or other potentially infectious materials, and containers used to store or transport blood or potentially infectious material.

Warning labels shall include the following symbol and will be either fluorescent orange or orange-red with lettering and symbol in contrasting color:

Warning labels may be obtained from Risk Management.

## **HBV VACCINATION**

Each Department/Office shall make available the hepatitis B vaccination series, free of charge, to all



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employees who are in positions defined in Section 1, Parts A & B.

The vaccination shall be provided after the employee has received the training outlined in these policies, but within 10 days of assignment to duties.

Employee vaccinations shall be documented and maintained in a confidential employee record retained by the Sheriff's Department for Sheriff's Department and Corrections employees and by Human Resources for all other employees.

If an employee declines to obtain the HBV vaccination, the employee shall sign the HBV Declination Statement which shall be maintained in the employee's confidential record. If an employee subsequently decides to obtain an HBV vaccination, the vaccination shall be made available under the same terms and conditions as stated above.

An employee's consent to or declination of the hepatitis B vaccination should be documented on Attachment B.

### **REPORTING AND FOLLOW-UP PROCEDURES AFTER POSSIBLE EXPOSURE**

Employees involved in an incident where exposure to bloodborne pathogens or other potentially infectious materials may have occurred shall immediately report it to their supervisor.

The exposure control officer shall coordinate receipt of the evaluating health care professional's written opinion, and shall provide a copy of the report to the employee within 15 days of the completion of the evaluation.

Following a report of an exposure incident, the supervisor shall coordinate with the exposure control officer to make immediately available to the exposed employee a confidential medical evaluation and follow-up with a healthcare professional, in accordance with WAC 296-62-08001, and shall include at least the following elements:

- Documentation of the route(s) of exposure and the circumstance under which the exposure occurred;
- Identification and blood testing of the source individual (when applicable), as allowed by law;
- A blood test for the exposed employee, if the employee consents to such testing;
- Evaluation and counseling.

The exposure control officer shall coordinate with Risk Management to ensure all information relevant to the exposure incident is provided to the healthcare professional. Attachment C may be used to provide this information to the physician and request a physician response.

- A. All evaluations and procedures shall be conducted at no cost to the employee.
- B. If the employee declines medical assistance, he/she will be required to sign a waiver (Attachment D).

## **EDUCATION AND TRAINING OF EMPLOYEES**

All new employees must schedule bloodborne pathogen training through personnel during their first month of employment.

In addition, all employees in job classifications listed in the Exposure Determination section shall receive appropriate education and training from their supervisor at the time of their initial assignment, annually thereafter. Such education shall be documented on attachment E or a similar document and training shall include:

- A copy of WAC 296-62-08001 and an explanation of its contents.
- A general explanation of the epidemiology and symptoms of bloodborne diseases.
- An explanation of the modes of transmission of bloodborne pathogens.
- An explanation of the Kitsap County Exposure Control Plan and where the employee can obtain a copy of the plan.
- An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood or other potentially infectious materials.
- An explanation of the use and limitations of methods that will prevent or reduce exposure, including work practices and personal protective equipment.
- Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment.
- An explanation of the basis for selecting personal protective equipment.
- Information on the hepatitis B vaccine including information on its efficacy, safety, method of administration, benefits of being vaccinated, and that the vaccine will be offered free of charge.
- Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
- An explanation of the procedures to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.
- Information on the post-exposure evaluation and follow-up that the employer is required to provide
- An explanation of the signs and labels

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and/or color-coding used by the employer.

- An opportunity for interactive questions and answers with the persons conducting the training sessions.

Records of training shall be documented on Attachment E or a similar form and will be maintained for three years. Such records will include:

- Date
- Summary of contents
- Name(s) and qualifications of person conducting the training session
- Names and job titles of all persons attending the training session

### **MEDICAL RECORDS**

The exposure control officer shall be responsible for developing a confidential record for each employee in a job classification listed in Section 1, Parts A & B, in accordance with WAC 29-62-052. These records shall include:

- The name and social security number of the
- employee.
- A copy of the employee's HBV vaccination status, including the dates of vaccination and any medical records regarding the employee's ability to receive

the vaccination.

- A copy of all opinions, examinations, testing, and follow-up involving post-exposure incidents.
- A copy of any information provided to other health care professionals regarding possible exposure.

Such records will be kept confidential and will not be disclosed to any person, except as required by law, without the express written consent of the employee. Such records will not be forwarded to another employer in case of job change.

Such records will be maintained for 30 years beyond the duration of employment.

Records for employees of Kitsap County Sheriff and Corrections shall be maintained by the Kitsap County Sheriff's Office. Records of all other employees shall be maintained by Personnel.

WAC 296-62-080 and WAC 296-62-08001 are attached (Attachment G) and made a part of the Kitsap County Exposure Control Plan for Bloodborne Pathogens.

## ATTACHMENT A

**KITSAP COUNTY  
CHEMICAL DISINFECTANTS AND THEIR USE  
IN INFECTION CONTROL**

USE	DISINFECTANT
For disinfecting clean surfaces:	1 part bleach diluted with 99 parts water (bleach is 5% sodium hypochlorite)  Minimum contact time: 10 minutes
For disinfecting soiled areas or spills:	1 part bleach diluted with 9 parts water Minimum contact time: 10 minutes <i>Make bleach solution fresh daily, or whenever chlorine smell is not present.</i>
For disinfection of surfaces, except motors and electrical:	Ethanol or isopropyl alcohol  Minimum contact time: 10 minutes
Disinfection of surfaces:	Commercial cleaners effective against hepatitis B virus  Minimum contact time: follow manufacturer's instructions

Personal communication, Centers for Disease Control, Division of Infection Control, Atlanta, GA, 1991.

EHS 92-10.

**ATTACHMENT B**

**KITSAP COUNTY  
HEPATITIS B VACCINATION CONSENT FORM**

Employee Name: \_\_\_\_\_  
Soc. Security No.: \_\_\_\_\_ Date: \_\_\_\_\_  
Department: \_\_\_\_\_

PLEASE INITIAL ONE OF THE FOLLOWING:

\_\_\_\_\_ I CHOOSE TO RECEIVE THE HEPATITIS B VACCINE  
I have read the information about hepatitis B and the hepatitis B vaccine. I have had the opportunity to ask questions and understand the benefits and risks of hepatitis B immunization. I agree to receive the three doses required for the optimum immune response. I understand there is no guarantee that I will become immune or that I will not experience adverse effects from the vaccine.

\_\_\_\_\_ I CHOOSE NOT TO RECEIVE THE HEPATITIS B VACCINE  
I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring the hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine at no cost to me. I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a life-threatening disease. If I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I may receive the vaccination series at no cost to me.

\_\_\_\_\_ I CHOOSE NOT TO RECEIVE THE HEPATITIS B VACCINE because I have previously received the hepatitis B vaccination series.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

**ATTACHMENT C  
KITSAP COUNTY**

**EVALUATION FORM**

Employee Name: \_\_\_\_\_

Kitsap County provides to the Evaluating Physician:

- (1) A copy of the Washington Department of Labor and Industries' bloodborne pathogens regulations (Washington Administrative Code)
- (2) The following description of the duties of the above employee as they relate to the occupational exposure:

Person Providing Information:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

To the Evaluating Physician:

~~Please provide a written opinion limited to the following information, as indicated in the~~  
bloodborne pathogens regulations. This page may be used for your convenience.

- (1) The physician's recommended limitations upon the employee's ability to receive hepatitis B vaccination:
- (2) A statement that the employee has been informed of the results of the medical evaluation and that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation and treatment:
- (3) Specific finding or diagnoses, which are related to the employee's ability to receive HBV vaccination.

**ANY OTHER FINDINGS SHALL REMAIN CONFIDENTIAL**

\_\_\_\_\_  
Signature of Physician

\_\_\_\_\_  
Printed Name of Physician

\_\_\_\_\_  
Address or Stamp:

\_\_\_\_\_  
Date of Signature

Copy to employee within 15 days of the evaluation. Personnel Record.

**ATTACHMENT D**

**KITSAP COUNTY  
WAIVER OF MEDICAL ASSISTANCE**

Employee Name: \_\_\_\_\_

Department: \_\_\_\_\_

Date of Occupational Exposure Incident: \_\_\_\_\_

Describe Occupational Exposure Incident:

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I have received training and information regarding the recommended medical response for an occupational exposure to human blood or other infectious human materials.

I understand that medical assistance will be provided to me at no cost or loss of pay.

I decline to seek medical assistance at the present time.

\_\_\_\_\_  
Employee Name (print)

\_\_\_\_\_  
County Representative or Witness

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
County Representative Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

**ATTACHMENT E**

**KITSAP COUNTY**  
**TRAINING RECORD FOR BLOODBORNE PATHOGENS**

*Use as a training record for one person or attach to another training record as a check-off sheet.*

**THE FOLLOWING TRAINING AGENDA IS REQUIRED BY LAW.**

Name: \_\_\_\_\_ Department: \_\_\_\_\_  
 Supervisor: \_\_\_\_\_ Social Security Number: \_\_\_\_\_  
 Training Date \_\_\_\_\_ By \_\_\_\_\_  
 Title \_\_\_\_\_ Method(s) used to provide information \_\_\_\_\_  
 Initial Training \_\_\_\_\_ Annual Training \_\_\_\_\_

TRAINING ITEM	CHECK IF COMPLETED
Information on the location of the Washington Administrative Code regulations is provided to this worker and regulations discussed	_____
General explanation of the epidemiology and symptoms of bloodborne diseases	_____
General explanation of the modes of transmission of bloodborne pathogens	_____
Exposure control program	_____
Methods for recognizing tasks and activities that may involve exposure to blood and other potentially infectious materials	_____
Information on personal protective equipment	_____
Basis for selection of such equipment	_____
Types of equipment	_____
Proper use and handling	_____
Removal of equipment	_____
Decontamination of equipment	_____
Disposal of equipment	_____
Information on engineering controls to isolate and remove hazards	_____
Information on personal protective work practices	_____
Emergency information relating to use of human materials	_____
Information on contact persons in emergency situations	_____
Information on procedures for exposure incidents	_____
Method of reporting	_____
Medical follow-up available	_____
Medical counseling for exposed individuals	_____
Information of biohazard signs, labels, and color-coding	_____
Information of hepatitis B vaccine, including efficacy, safety, and benefits of vaccination	_____



# KITSAP COUNTY BLOODBORNE PATHOGENS TRAINING

Trainer: \_\_\_\_\_

Date: \_\_\_\_\_

Attending this session:

Signature

Print NameJob TitleDept.This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

## **Kitsap County Policy Prohibiting Discrimination and Harassment.pdf**

## KITSAP COUNTY POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

### STATEMENT OF PHILOSOPHY

Kitsap County strives to provide a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status or disability.

### DISCRIMINATORY PRACTICES

Kitsap County prohibits discrimination based on race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status, or disability in any aspect of employment, including:

- job advertisements and recruitment;
- testing;
- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- training and apprenticeship opportunities;
- fringe benefits;
- use of county facilities and equipment;
- other terms and conditions of employment.

Kitsap County's prohibition of discriminatory practices also includes:

- harassment on the basis of race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status or disability;
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain race, color, national origin, age, religion, sex, sexual orientation, or with disabilities.

### HARASSMENT IS A FORM OF DISCRIMINATION

Harassment that creates a hostile work environment and occurs because of person's race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status, or disability is a form of discrimination.

Hostile work environment harassment consists of unwelcome statements or actions that are sufficiently severe or pervasive so as to interfere with an individual's work performance or create an intimidating, hostile, or offensive work environment based on race, color, national origin, religion, sex sexual orientation, age, genetic information, veteran or military status or disability.

Throughout this policy, use of the word "discrimination" is intended to include harassment that occurs because of person's race, color, national origin, religion, sex, sexual orientation, age, genetic information, veteran or military status or disability.

### **SEXUAL HARASSMENT**

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted advances, requests for sexual favors and any other verbal, visual, or physical conduct of a sexual nature when: (1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, retention, promotion or other aspects of employment; or (2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment may include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; threats and demands to submit to sexual requests in order to obtain or retain any employment benefit; verbal conduct such as epithets, derogatory or obscene comments, slurs or sexual invitations, sexual jokes, propositions, suggestive, insulting, obscene comments or gestures or other verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; flirtations, advances, leering, whistling, touching, pinching, assault, blocking normal movements; visual conduct such as derogatory or sexual posters, photographs, cartoons, drawings or gestures or other displays in the work place of sexually suggestive objects or pictures; conduct or comments consistently targeted at only one gender, even if the content is not sexual; retaliation for having reported or threatened to report sexual harassment.

### **HARASSMENT BASED ON RACE, NATIONAL ORIGIN, COLOR, RELIGION, SEXUAL ORIENTATION, GENETIC INFORMATION, VETERAN OR MILITARY STATUS, OR AGE**

For purposes of this policy, harassment targeted at a person because of his or her race, ethnicity, color, religion, sexual orientation, age or disability is strictly prohibited. Examples of harassment may include, but are not limited to: slurs, innuendo, taunting, mocking, jokes, epithets, cartoons, drawings or gestures, derogatory comments and other forms of obnoxious conduct motivated by a

person's race, color, national origin, religion, sexual orientation, genetic information, veteran or military status, or age.

Genetic information includes information about an individual's genetic tests and genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (e.g family medical history).

### **DISCRIMINATION BASED ON DISABILITY**

An individual with a disability is a person who has or had any sensory, physical or mental abnormality, or has a record of such an abnormality, or is regarded as having or having had such an abnormality, and the abnormality has or had a substantially limiting effect upon the employee's ability to perform his or her job.

Kitsap County prohibits discrimination against qualified employees or applicants with a disability. A qualified individual with a disability is someone who satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operations of the County.

### **DISSEMINATION OF POLICY**

This policy will be disseminated to all employees, and its existence will be displayed prominently in each department and/or division in the County. A copy will be maintained in the County's Personnel Manual. All supervisors shall be responsible for knowing of its existence and substance, and are responsible for its implementation. The Human Resources Director and designated Human Resources staff will be available to answer all questions about the policy and its implementation.

### **INDIVIDUALS AND SITES COVERED UNDER THE POLICY**

This policy covers all individuals in the workplace. Kitsap County will not tolerate, condone or allow discrimination whether engaged in by fellow employees, supervisors, managers, elected officials, volunteers, or by outside clients, vendors, contractors, or other non-employees who conduct business with Kitsap County. Kitsap County encourages reporting of all incidents of discrimination, regardless of who the offender may be, or of the offender's relationship to Kitsap County.

Discrimination is unacceptable in the workplace itself and in other work-related settings such as on business trips and at business-related social events.

### NOTIFICATION OF APPROPRIATE STAFF

Individuals who believe they have been subjected to discrimination, or who have witnessed discriminatory conduct toward another, should report the incident to any of the following individuals:

- a supervisor in your department;
- the director of your department;
- the elected official who oversees your department or office;
- the County's Human Resources Director, whose address is 614 Division Street, MS-23 A, Port Orchard, WA 98366, telephone number (360) 337-7185;
- the Kitsap County Administrator, whose address is 614 Division Street, MS-4, Port Orchard, WA 98366, telephone number (360) 337-7146.

### ACTION FOLLOWING NOTIFICATION

Upon being notified of a complaint of discrimination, the complainant will be made aware of a range of options, including:

- the complainant may meet informally with any of the above-listed individuals in an attempt to resolve the matter informally;
- the complainant may choose to discuss the complaint with the person accused, with the option of having any of the above-listed individuals present;
- at the request of the complainant the person who received the complaint may choose to discuss the complaint with the accused; or
- the complainant may file a formal complaint.

The complainant may have a representative, such as a co-worker, union representative or attorney, present at a meeting held to address or resolve the complaint.

## **INFORMAL COMPLAINT PROCESS**

Kitsap County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome.

If a complaint is resolved informally to the complainant's satisfaction, the supervisor or department director (if they have been notified by the complainant) must file a confidential report with the Human Resources Director about the complaint and resolution so that the employer will be aware of any pattern of discrimination by a particular individual and will also be aware of all complaints on an employer-wide basis.

If the supervisor or department director does not successfully resolve the complaint informally to the complainant's satisfaction, a written report must be made to the Human Resources Director within one work day. A supervisor is strongly encouraged to consult with the Human Resources Director before taking action.

## **FORMAL COMPLAINT PROCEDURE**

The County also recognizes that power and status disparities between an alleged harasser and a target may make informal resolution impossible. In the event that informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting discrimination.

The complainant, or someone on the complainant's behalf, may file a formal written complaint with the Human Resources Director or the County Administrator).

### **1. DESCRIPTION OF MISCONDUCT**

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint. Verbal reports of discrimination must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, and must be signed by the complainant. Individuals who believe that they have been or are currently being discriminated against or harassed, should maintain a record of objectionable conduct in order to prepare effectively and substantiate their allegations.

## **2. TIMEFRAME FOR REPORTING COMPLAINT**

Kitsap County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. This policy not only aids the complainant, but also helps to maintain an environment free from discrimination for all employees. A complainant's formal complaint of discrimination or harassment must be submitted to the Human Resources Director or County Administrator within 90 days of the alleged incident of harassment.

## **3. INVESTIGATING THE COMPLAINT**

Following filing of a formal complaint, a formal investigation will begin promptly. The Human Resources Director or County Administrator will select an impartial investigator.

Knowingly false accusations of discrimination will not be tolerated, and may result in discipline up to and including termination.

## **4. CONFIDENTIALITY**

To the extent practical and appropriate under the circumstances, and to the extent permitted by law, the proceedings will be conducted to protect the confidentiality interests of both parties and afford the accused a full opportunity to respond to the allegations.

## **5. INVESTIGATION PROCESS**

The impartial investigator assigned to formally investigate the allegations of discrimination and/or harassment will timely:

- Confirm name of the complainant, and will determine the complainants full account of the circumstances and facts of the complaint.
- Identify employee(s) accused of harassing or discriminatory behavior
- Thoroughly ascertain the facts by interviewing all pertinent parties and witnesses.
- Interviews will be conducted impartially and fairly for all parties.

When the impartial investigation is concluded, the investigator will prepare a written record and report of the process and results. The investigative report will include:



- A written conclusion about whether a violation of this policy has occurred, based upon all the facts and circumstances and context in the which the alleged incidents occurred.
- Recommendations of what, if any, corrective and/or preventive measures need to be taken to remedy the situation and ensure no further violations

## 6. RESOLVING THE COMPLAINT

The investigator will make every reasonable effort to issue written findings and a recommendation to the Human Resources Director or County Administrator within 60 days of the filing of a formal complaint. The complainant will be notified if additional time is needed to complete the investigation.

If discrimination occurred

- The person violating this policy will be subject to appropriate disciplinary action, as listed below.
- The Human Resources Director or County Administrator will consult with the director or elected official where the complaint arose for a decision concerning discipline, other corrective action, and/or training needed. The complainant will be informed of the action taken to correct the issue.

If no violation of this policy has occurred, this finding will be communicated to the complainant in an appropriate manner.

If the Human Resources Director or County Administrator cannot determine whether discrimination has occurred, this finding will be communicated to the complainant and the alleged violator of this policy, and the matter will be recorded as unresolved. Both the complainant and the alleged violator of this policy will be informed again of the procedures set forth in this policy, including the appeal process contained below. In the event that no resolution satisfactory to both parties can be reached based on the initial investigation, the matter shall be referred to the the Chair of Board of County Commissioners or the County Administrator. If the initial complaint was submitted to the County Administrator, the appeal should be made directly to the Chair of the Board of County Commissioners. See "Appeal Process" below.

## 7. SANCTIONS

The elected official or department head, in consultation with the Human Resources Director or County Administrator, will determine appropriate

sanctions to be taken against employee(s) whose actions are in violation of this policy.

Depending on the nature and severity of the violation, sanctions may include but are not limited to:

- Oral Reprimand
- Written Reprimand
- Suspension without pay
- Demotion
- Termination

Employees whose actions are found to be in violation of this policy may also be referred to mandatory training. If systemic issues come to light, mandatory training may be required of entire units or departments.

The employer's ability to discipline a non-employee violation of this policy (e.g. vendor, contractor, member of the public, public official, or client) may be limited by the degree of control, if any, that the employer has over the alleged violator of the policy. Nevertheless, any employee who, during the course of his/her employment, alleges discrimination or harassment on the part of an outside source may use the same reporting procedures listed under the Informal or Formal Complaint Procedure sections of this document.<sup>8</sup>.

### **APPEAL PROCESS**

If any party directly involved in an investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. Within 10 days following the receipt of notice of the decision, the dissatisfied party must submit a written request for review to the Chair of the Board of County Commissioners or the County Administrator.

## **9. REVIEW BY THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OR THE ADMINISTRATOR**

Upon receipt of a request for review of a decision concerning the outcome or resolution of a complaint of discrimination or harassment, the Chair of the Board of County Commissioners (Chair) or the County Administrator will review the complaint. The Chair or the County Administrator will: gather evidence and take whatever steps deemed necessary and appropriate to ensure that all facts have been fully investigated, presented and considered; provide the participants with an opportunity to present evidence and information and to comment on evidence and information presented to others; and issue written findings of facts and a decision. Chair or the County Administrator may sustain, overturn, or modify the results of the investigation and/or resolution.

## **PROTECTION AGAINST RETALIATION**

**Retaliation means to take adverse employment action against an individual because he/she has exercised his/her rights protected by law by complaining in good faith about discrimination, harassment, and/or retaliation, or has assisted or participated in an investigation of such allegations.**

**Kitsap County will not tolerate retaliation in any form against an individual who makes a complaint of discrimination, harassment or retaliation, or against any participant in the investigation. Retaliation is a serious violation of this policy and is considered misconduct subject to disciplinary action up to and including termination of employment with Kitsap County.**

## **FORMAL LEGAL PROCEEDINGS**

The procedures in this policy refer to complaints submitted internally to Kitsap County. If a formal charge has been filed with the Equal Employment Opportunity Commission (EEOC) or the Washington State Human Rights Commission, or if the complainant has filed a suit in civil court, all such charges, complaints, and notices must immediately be delivered to the Human Resources Director or the County Administrator. The Human Resources Director or County Administrator, in cooperation with counsel, will investigate, if appropriate, and respond to all formal complaints submitted to outside agencies or civil court.

## **CONCLUSION**

Kitsap County has developed this policy to ensure a a work environment free from discrimination and harassment.

## **MCT MOU SIGNED 12-1-16.pdf**

**SAU Protocol including Vulnerable  
Adults and HT final revised 3-13-13.pdf**

# **THE KITSAP COUNTY SPECIAL ASSAULT INVESTIGATION PROTOCOL**

The purpose of the Kitsap County Special Assault Investigation Protocol is to set forth minimum standards and procedures to follow in the investigation of child death, child sexual and physical abuse and criminal neglect allegations, adult sexual abuse allegations and domestic violence, and crimes against vulnerable adults, including financial exploitation<sup>1</sup>. Though ideally these standards would be applied in all domestic violence investigations, it is acknowledged that the volume of cases reported and the significant time investment inherent in such investigations may limit their application to felony level domestic violence allegations or cases involving significant risk of infliction of serious bodily injury.

These protocol are not intended as legal authority for the admissibility or non-admissibility of evidence developed in the course of an investigation. These protocol should not be used as the basis for the dismissal of any criminal charges arising from a report of child death, child sexual or physical abuse or criminal neglect, adult sexual abuse or domestic violence , or crimes against vulnerable adults, including financial exploitation. Similarly, these protocol should not be used as the basis of any civil claims stemming from a deviation from the guidelines set forth herein.

These protocol shall be reviewed on an annual basis, prior to the end of each calendar year by the board of Kitsap S.A.I.V.S (Special Assault Investigations and Victim's Services ). Any proposed changes will be submitted to the prosecuting attorney for approval and submission to the legislature.

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<sup>1</sup> For purposes of these protocol, "Vulnerable Adult" means a person eighteen years of age or older who presents as a vulnerable adult by virtue of developmental disability, cognitive disability, advanced age, mental illness, and/or physical disability.

**KITSAP COUNTY SPECIAL ASSAULT  
INVESTIGATION PROTOCOL  
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## **I. MISSION STATEMENT**

It is the mission of all key participants involved in the investigation and prosecution of child death, child sexual and physical abuse cases, criminal neglect, adult sexual abuse allegations and domestic violence, and crimes against vulnerable adults, including financial exploitation to:

- ensure the safety of all victims and the public at large;
- minimize the secondary trauma of all victims and witnesses who are interviewed during the course of an investigation;
- consistently follow a framework for coordination and communication among all participants and avoidance of conflicts among participants that may hinder the effectiveness of an investigation;
- constantly strive for improvement through training, communication and critical review of current investigative practices;
- increase the overall quality of the investigation; and
- protect the rights and interests of victims and their families, witnesses and suspects.

## **II. ANTI-DISCRIMINATION POLICY**

Kitsap S.A.I.V.S. shall not discriminate on the basis of race, color, religion (creed), gender, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. These activities include, but are not limited to, the investigation and prosecution of special assault crimes, provision of victim advocacy, selection of volunteers, selection of vendors, and provision of other services. Kitsap S.A.I.V.S. will provide reasonable accommodation to people with disabilities.



### **III. AGENCY ROLES AND RESPONSIBILITIES**

#### **A. Key Participants Defined:**

**1. Group One – Mandatory Reporters** (child neglect, child sexual and physical abuse and criminal neglect cases, and abandonment, abuse, financial exploitation, or neglect of a vulnerable adult cases only (as defined by these protocol); including but not limited to:

- a) Law Enforcement
- b) Schools, including professional school personnel
- c) Medical Community
- d) Daycares and licensed child care providers
- e) Counselors/ Mental Health Professionals
- f) Attorneys, including Prosecuting Attorney
- g) Social Services, including victim advocate groups (See RCW 26.44.020(8) and RCW 74.34.020(11))
- h) Clergy/Church
- i) Probation / Department of Corrections
- j) Any other mandatory reporter as required by RCW 26.44.030 and RCW 74.34.020 et seq.
- k) Christian Science practitioner (vulnerable adults only)
- l) Any operator of an adult facility (vulnerable adults only)
- m) Any paid or volunteer employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency
- n) A mandated reporter is not required to report to a law enforcement agency an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than basic first aid, unless requested by the injured vulnerable adult or his or her legal representative or family member or unless:
  - (1) The injury appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;
  - (2) There is a fracture;

- (3) There is a pattern of physical assault between the same vulnerable adults or involving the same vulnerable adults; or
- (4) There is an attempt to choke a vulnerable adult.

## **2. Group Two – Investigators/ First Responders**

- a) Law Enforcement, including Naval Criminal Investigative Service (NCIS)
- b) Coroner
- c) Emergency Medical Services (EMS)
- d) Child Protective Services (CPS)
- e) The “Designated Child Interviewer” who is employed by the prosecutor’s office.
- f) Adult Protective Services (APS)<sup>2</sup>
- g) Residential Care Services (RCS)

## **B. Roles and Responsibilities of Key Participants:**

### **1. Group One -- Mandatory Reporters**

- a) As mandatory reporters, all participants should respond to a disclosure or concern for child physical or sexual abuse, and incidents involving serious domestic violence acts which are seen or heard by a child and abandonment, abuse, financial exploitation, or neglect of a vulnerable adult cases, by:
- b) Immediately calling 911;
- c) Making a secondary call to CPS or APS at (866)363-4276, or 1-866-ENDHARM;
- d) Taking appropriate measures to ensure the immediate safety of the child or vulnerable adult;
- e) Inquiring of the child or vulnerable adult no more than is necessary to ensure that the child or vulnerable adult is safe;
- f) Documenting all volunteered statements of the child or vulnerable adult, all questions asked and all responses of the child or vulnerable adult in a

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<sup>2</sup> APS shall contact RCS and/or any other investigation agency, when appropriate.

near verbatim manner;

g) Refraining from the use of leading or suggestive questions (i.e. those questions that suggest to the child or vulnerable adult what the answer should be);

h) After the initial disclosure to a mandatory reporter, the child or vulnerable adult shall not be questioned further by additional staff, concerned persons or supervisors except as is necessary to ensure the safety of the child.

*Non-law enforcement mandatory reporters should never assume the role of an criminal investigator, Child or Adult Protective Services, or Residential Care Services representative and shall allow investigators and/or child interviewers unlimited access to a child when it is necessary to conduct an interview at school (pursuant to RCW 26.44.030(10)).*

## **2. Group Two – Investigators/ First Responders**

### **a) Roles and Responsibilities In Emergent Situations**

“Emergent” situations are those involving death, substantial injury or trauma, significant fear by the child or adult victim, risk of danger to the child or adult victim or others, or acute situations where the incident has occurred in the recent past.

1) In any case involving sudden unexpected death or serious or suspicious injuries to a child or vulnerable adult victim, CENCOM shall immediately summon law enforcement and EMS to the scene (and to summon law enforcement to the hospital if the victim is transported there).

2) Law enforcement shall respond to any child death and/or serious or suspicious injury to a child or vulnerable adult.

3) When involved, Child Protective Services Residential Care Services or Adult Protective Services and law enforcement shall respond to emergent situations by notifying each other as soon as possible that a report has been made and/or in accordance with RCW 26.44.030.

- 4) Priority should be given to the safety of the child or adult victim.
- 5) Law enforcement should take an immediate lead role in the investigation.
- 6) Law enforcement shall determine the need for protective custody of any children/ victims and notify CPS/APS immediately. (APS cannot take custody of an adult but if the adult victim wants an alternative placement, APS can work with collaterals for placement).
- 7) When the victim is a child or vulnerable adult, investigators should follow the child interview guidelines as set forth in Section V (Victim Interviews and Methods of Documentation) and Section VI (Training and Qualifications of Interviewers).
- 8) Good faith efforts should be made by CPS or APS to contact the identified victim(s) within twenty-four (24) hours of the receipt of the referral.
- 9) Child Protective Services, Residential Care Services or Adult Protective Services should defer all suspect contact to the law enforcement agency responding.
- 10) The crime scene shall be handled by law enforcement as per the individual law enforcement agency's departmental guidelines. All First Responders shall refer to Kitsap County's CPOD (Collaboration, Preservation, Observation, & Documentation) Procedures. All First Responders shall avoid disturbing the scene of a death or serious or suspicious injury to a child or vulnerable adult. In cases of obvious death, First Responders shall not move the victim any further.
- 11) All First Responders shall document all observations made at the scene of a death or serious or suspicious injury and provide all information to law enforcement/ investigators as soon as is possible. First Responders shall refer to Kitsap County's CPOD

procedures regarding “Observation” and “Documentation.” Investigators shall collect any information about First Responder observations as soon as is possible.

12) The investigator shall photograph both the victim and suspect of a domestic violence incident, even if there is not any physical sign of abuse or damage. APS will need the approval of the vulnerable adult to photograph unless it is to preserve evidence.

13) The investigator shall photograph all children in the home at the time of a domestic violence incident.

14) The investigator shall obtain a written statement from any adult victim of domestic violence.

15) The investigator shall thoroughly photograph the crime scene and/or location(s) where the incident took place, consulting with the law enforcement agency’s crime scene unit as appropriate and seize all relevant evidence. First Responders should strongly consider photographing the scene, where possible.

16) The investigator should utilize the SAIVS Protocol Field Guide when responding to a report of domestic violence or sexual assault.

17) The investigator shall obtain a signed medical release form as soon as is possible from any victim of domestic violence or sexual assault.

18) The investigator shall make an immediate determination of the need for a medical or forensic examination of the victim (i.e.: any sexual contact within the past five days may warrant a forensic examination).

19) Forensic examinations should be referred to Harrison Medical Center’s Sexual Assault Nurse Examiner (SANE) program.

20) The investigator will provide the victim with a victim’s right packet.

21) The investigator shall obtain a report from CENCOM and/or ILEADS regarding past calls to the home.

22) Investigators should consult with the prosecutor's office as early as possible in the investigation or as legal issues arise.

23) All referrals regarding child death, child physical or sexual abuse, criminal neglect, adult sexual abuse or domestic violence, or abandonment, abuse, financial exploitation, or neglect of a vulnerable adult shall be forwarded to the Prosecutor's office by law enforcement. No investigation shall be submitted for review by the prosecutor unless all investigative avenues have been explored by all agencies involved and/or an arrest has been made.

24) Victims must be notified of the right to have an advocate made available to them and such requests shall be accommodated when:

(a) A medical evaluation with the SANE program is performed;

(b) A formal interview is conducted at the Prosecutor's Office or any interview is scheduled;

(25) A victim advocate shall be made available to a victim when:

(a) Requested by a victim or victim's family or legal representative; or

(b) An investigator or First Responder identifies a need for an advocate.

#### **b) Roles and Responsibilities In Non-Emergent Situations**

"Non-Emergent" situations are those that do not rise to level of "Emergent," or those situations where the abuse occurred in the past, the victim or others are not at immediate risk, the victim is not facing immediate contact with the perpetrator and there is no crime scene to be contaminated or destroyed.

(1) When involved, Child Protective Services or Adult Protective Services and law enforcement shall respond to non-emergent situations by notifying each other as soon as possible that a report has been made and/or in accordance with RCW

26.44.030

- (2) When the victim is a child, Child Protective Services should take an immediate lead role in the investigation of cases, until such time as law enforcement becomes involved. CPS will make a referral to law enforcement and the prosecutor's office and will share information as is legally appropriate.
- (3) When the victim is a vulnerable adult, Adult Protective services or Residential Care Services should take an immediate lead role in the investigation of cases, until such time as law enforcement becomes involved. APS or RCS will make a referral to law enforcement and the prosecutor's office and will share information as is legally appropriate.
- (4) When the victim is a child or vulnerable adult, investigators should follow the interview guidelines as set forth in Section V (Victim Interviews and Methods of Documentation).
- (5) Child Protective Services and law enforcement should defer any child interview to the designated child interviewer employed by the prosecutor's office.
- (6) Upon the request of law enforcement, Child Protective Services, or Adult Protective Services, the prosecutor's office's designated child interviewer will conduct interviews of vulnerable adult victims according to the guidelines in Section V (Victim Interviews and Methods of Documentation).
- (7) Investigators shall contact all persons to whom the victim has made prior disclosures and shall document as near verbatim as possible the disclosures that were made.
- (8) CPS shall make good faith efforts to contact identified victim(s) within seventy-two (72) hours of the receipt of the referral. APS shall follow APS priority guidelines for contact with identified victims.
- (9) The investigator shall make a determination of the need for a

medical or forensic examination.

- (10) Forensic examinations should be referred to Harrison Medical Center's SANE program.
- (11) Investigators should consult with the prosecutor's office as early as possible in the investigation or as legal issues arise.
- (12) Suspect and witness contact should be deferred to law enforcement when law enforcement is involved in the investigation and/or it appears that the allegation is criminal in nature.
- (13) Continued contact with the victim or victim's family or legal representative by the lead investigative agency is strongly encouraged.
- (14) The investigation should be completed and/or forwarded to the Prosecutor's office within four (4) months of the original referral. However, no investigation shall be submitted for review by the prosecutor unless all investigative avenues have been explored by all agencies involved and/or an arrest has been made.
- (15) Victims must be notified of the right to have an advocate made available to them and such requests shall be accommodated when:
  - a. A medical evaluation with the SANE program is performed;
  - b. A formal child or vulnerable adult interview is conducted at the Prosecutor's Office or any interview is scheduled;
- (16) A victim advocate shall be made available to a victim when:
  - a. Requested by a victim or victim's family or legal representative; or
  - b. An investigator or First Responder identifies a need for



an advocate.

**c) Law Enforcement/CPS/APS/RCS Communication.**

**1. Making/Sharing referrals:**

- a. CPS/APS/RCS referrals and Law Enforcement reports shall be transmitted from the originating agency to the receiving agency by either mail or electronic means.
- b. If an agency's preferred method of transmission is mail, the agency will fax or send electronically any report/referral that is deemed emergent in nature to ensure the quickest possible coordination of response.
- c. The agency sending the reports will provide the receiving agency with a summary list of the referrals/reports sent on a schedule agreed upon by both agencies. This will allow the receiving agency to verify receipt of the reports/referrals.
- d. If agency sending the report is pursuing an investigation, the assigned investigator will contact the designated point person at the agency receiving the report by phone to facilitate coordination of investigation.
- e. Reports should include all available information regarding the name and address of alleged victim, the name and address of the subject of the allegation, the details of the alleged abuse, and any action taken.

**2. When a child is taken into protective custody:**

- a. The assigned CPS investigator shall contact the Law Enforcement agency responsible for protective custody by phone to obtain as many details as available regarding the situation leading to protective custody. Each Law Enforcement agency shall designate a primary and secondary point of contact to ensure that direct communication with the agency is made and messages are not left for officers not on shift.

b. When CPS is considering returning a child who has been placed into protective custody home, Law Enforcement shall be notified telephonically through the identified points of contact at the earliest possible time prior to the final decision being made.

c. Law Enforcement shall be notified of any staffings related to the return of children as soon as possible to allow them to participate or provide additional information regarding the circumstances of the protective custody and the safety of the children. Law Enforcement will have the opportunity to provide information prior to the staffing through conversations with the CPS investigator, to be physically present at the staffing, or to participate telephonically in the staffing.

### **3. When a vulnerable adult appears at risk:**

a. When law enforcement encounters a possible vulnerable adult apparently at risk, they should make all efforts to contact APS Intake (1-800-EndHarm) to explore services and/or protective measures available to the vulnerable adult.

## **C. Joint Investigation Procedures in Death, Sexual and Physical Abuse, or Criminal Neglect Investigations**

A “joint investigation” occurs when multiple agencies are involved in the investigation of any death or physical or sexual abuse, or criminal neglect, or incidents involving serious domestic violence acts. While the need for joint investigations will most often be limited to allegations of death, sexual or physical abuse of a child or vulnerable adult, the following protocol should be relied upon by investigators when multiple agencies and/or jurisdictions are involved in the investigation of adult sexual assault or domestic violence.

### **1. Who Conducts the Interview.**

a) See Section V ( Victim Interviews and Methods of Documentation) of

these protocol.

(1) All child sexual assault victims under the age of sixteen (16) shall be interviewed by the prosecutor's office designated child interviewer unless it is apparent that there is risk to the immediate safety of the child or public and/or there is a crime scene at risk of contamination that requires more information that can only be obtained from the child. The child interviewer may interview child victims of physical abuse when deemed appropriate by a Special Assault Prosecutor and/or by MDT member(s).

(2) Law enforcement may refer a victim to the prosecutor's office child interviewer for any age vulnerable adult victim or victims over the age of sixteen (16), when appropriate.

(3) The prosecutor's office shall maintain documentation of all interviews. Where near verbatim reporting is used, the documentation shall include a record of all questions asked and answers given as well as any spontaneous statements made. Where video recording is used, the documentation shall consist of a Digital Video Disc (DVD) recording and the interviewer's written summary.

(4) The prosecutor's office shall designate a back-up plan for those cases where the child interviewer is not available during regular business hours for emergent interviewing. This should not affect the referral process by law enforcement.

## **2. Investigating Officer's Duties Regarding Children and Vulnerable Adults .**

If the reporting party can provide information regarding the identity of the perpetrator, the general nature of the allegations, the general time frame and general location of the crime, then no interview should be conducted by the investigating officer.

a) Consultation with a child sexual abuse investigator within the agency's department and/or with a Special Assault Unit prosecutor should be performed when there is a question regarding whether an on-scene

interview should be conducted.

b) Each law enforcement agency shall designate an investigator to be available for twenty-four hour consultation regarding the necessity of interviewing a child victim of sexual or physical abuse and what specific questions should be asked during such an interview. It is encouraged that this investigator attend the Harborview Child Abuse Investigative Interview Training.

c) Law enforcement shall inquire of their agencies on call investigator or a Special Assault Unit Deputy Prosecuting Attorney prior to conducting any interview with any child under the age of ten, or any vulnerable adult.

d) With child victims under the age of ten or any vulnerable adult, no more information shall be solicited by the investigating officer than is reasonably necessary to meet the above described needs though sensitivity and discretion should be given to a victim who wishes to divulge more.

e) Spontaneous statements by any victim shall not be cut off.

f) The law enforcement agency shall maintain documentation of any interview it conducts, and shall conduct near verbatim reporting of the questions asked and answers given as well as any spontaneous statements made.

### **3. CPS (APS) Duties.**

a) In those cases where law enforcement or prosecutor involvement is not warranted but Child Protective Services or Adult Protective Services must still investigate the referral, CPS/APS shall designate a primary interviewer who is properly trained and qualified to conduct such interviews (as per Section VI of this protocol).

b) Near verbatim reporting or audio recording per CPS/APS protocol of the questions asked and answers given as well as any spontaneous statements made shall be conducted in all sexual assault and physical abuse investigations.

### **4. Who Observes the Interview.**

a) The preferred method of interviewing a victim is in a one-on-one

situation with no parent(s), relatives legal guardians or other potentially interested party present.

b) Consideration of the Victim's Bill of Rights shall remain a priority in all interviews.

c) Law enforcement and CPS/APS may observe any interview via closed-circuit TV in the course of their investigation; however, parents/relatives/guardians will not be permitted to observe the interview.

#### **5. Who Is Responsible For Documenting Interview**

a) Whoever asks the questions during the interview shall have the primary responsibility for documenting the questions asked and answers given in a near verbatim manner.

#### **6. Which Agency Is the Custodian of Documentation**

a) Whoever documents the interview is deemed the "primary keeper of the record." Release of the record to a non-criminal justice agency is controlled by statute. (See RCW 42.17) The "record" or the "interview" includes any video or audio recordings, transcripts or written summaries of the interview.

b) "Criminal justice agency" is defined in RCW 10.97.030.

1) A record of an interview shall not be released to a non-criminal justice agency without prior screening by an attorney for the record-keeping agency.

2) If an agency that possesses a copy of the interview record receives a request for release of the interview record, they shall consult with or notify the documenting agency prior to release of the interview record. If an out-of-county criminal justice agency requests a copy of the interview the request shall be directed to the primary keeper of the record.

3) When the documenting agency releases a copy of the interview record to a criminal justice agency, the originating agency shall stamp the copy with an advisory statement cautioning that the copy shall not be released to non-criminal justice agency without the

approval of the prosecutor's office.

## **7. How Team Members, Other Than The Custodian, Are To Access Documentation of the Interviews or Investigations**

### **1) Prosecutor Interviewer Records:**

- (1) A hard copy of the interview shall be forwarded to the appropriate law enforcement agency.
- (2) Verbal confirmation of what is contained in the interview record may be given to CPS or APS, or CPS/APS may review the record on the prosecutor's office premises.
- (3) Upon request, a hard copy of the interview record may be given to CPS or APS if necessary for Court purposes.
- (4) A hard copy shall be forwarded to DSHS Division of Licensed Resources (DLR), if requested.
- (5) A limited, verbal summary of what is contained in the interview record should be provided to the appropriate forensic examiner for referral purposes.
- (6) Victim advocates shall not receive information with respect to the contents of the interview.

### **2) Forensic Medical Examiner Reports:**

- (1) Any interview conducted by a forensic examiner shall become part of the forensic charting.
- (2) A hard copy of the forensic charting shall be released immediately to the appropriate law enforcement agency and to the prosecutor.
- (3) Contact with the prosecutor should be made if there is any request for release of this report to anyone besides law enforcement or the prosecutor.
- (4) CPS or APS can immediately access verbal information regarding the forensic examination via the hospital or

the prosecutor.

(5) Upon request made to the Prosecutor's Office, a hard copy of the interview may be given to CPS or APS, if necessary for Court purposes.

(6) Victim advocates shall not receive any release of information with respect to the interview.

**3) CPS or APS Interviews and/or Investigative Reports:**

(1) Upon request, a hard copy of the investigation or copy of any audio recordings made shall be released immediately to the appropriate law enforcement agency and to the prosecutor.

(2) If a disclosure is made during the course of a CPS or APS interview, the interview shall be released immediately to law enforcement and the prosecutor.

(3) The designated medical agency can access limited, verbal information for referral purposes.

(4) Victim advocates shall not receive any release of information with respect to the interview.

(5) If there is a request for a copy of the interview by a non-criminal justice agency when a criminal investigation is pending, the Attorney General's office will contact the prosecutor or law enforcement to determine if the safety of the victim or other legal basis exists to deny the release at that time.

**8. Who Convenes A Multi-Disciplinary Investigation**

a) See Section VIII (Case Review) of these protocol.

b) Generally, "multi-disciplinary investigation" is deemed to be the joint sharing of information and collaborative investigative efforts as set forth in these protocol.

c) Any agency member of the multi-disciplinary investigation (ie: law enforcement, prosecutor, medical staff, CPS, or APS) can request a

staffing and collective determination of an investigative plan.

#### **9. Dispute Resolution**

In criminal investigations where disputes regarding the investigation arise, the prosecutor will have the ultimate authority to resolve the dispute but only after the key participants in the multi-disciplinary investigation have met and discussed all of the issues. The prosecutor will be given deference only if the key participants are unable to reach a joint resolution.



#### **IV. SUSPECT AND WITNESS INTERVIEWS**

The procedures set forth in Section III (Agency Roles and Responsibilities) of these protocol are adopted.

## **V. VICTIM INTERVIEWS AND METHODS OF DOCUMENTATION FOR CHILDREN AND VULNERABLE ADULTS**

### **A. An interviewer shall:**

1. Make all efforts to conduct a thorough interview that enhances free recall while keeping in mind the person's developmental level, cultural and language needs and emotional well-being;
2. Adhere to the current accepted standards and practices of forensic child interviewing.

### **B. Who conducts the interview shall be governed by Section III (Agency Roles and Responsibilities) of these protocol.**

### **C. Methods of documentation of the interview:**

1. The prosecutor's office shall conduct video recording or near-verbatim recording of all questions asked, responses given and any spontaneous statements made regarding sexual abuse. These methods are recommended to document statements regarding physical abuse.
2. The authorized methods for recording interviews are video recording and near verbatim note taking. The committee shall re-convene and assess the value of the alternative means of recording as established or tested through the pilot projects put into place via state legislation.
3. Original written notes of an interview shall be retained until such time as a video recorded interview is verified to be completely and accurately recorded or a near verbatim report has been generated.

### **D. Who Observes the Interview.**

1. The preferred method of interviewing a victim is in a one-on-one situation with no parent(s), legal guardians, relatives or other potentially interested party present.
2. Consideration of the Victim's Bill of Rights shall remain a priority in all interviews.
3. Law enforcement and CPS/APS/RCS may observe any interview via closed-circuit TV in the course of their investigation; however, relatives, legal guardians

or other potentially interested party will not be permitted to observe the interview.

**E. Video Recording – Procedures to Inform the Victim.**

1. At the start of the interview, the interviewer shall inform the victim that the interview is being video recorded. If the victim refuses to be interviewed while being video recorded, then the interviewer shall conduct the interview using near verbatim reporting.

**F. Video Recording – Designation and Processing of Recordings .**

1. After the interview concludes, the interviewer shall verify that the DVD in fact captured the interview.
2. The prosecutor's office shall maintain an archive system of video recordings, with a log to track:
  - (a) when the prosecutor's working copy is checked out for use by deputy prosecuting attorneys or their investigators,
  - (b) when a copy is made for the defense or for court purposes,
  - (c) when defense copies are returned after the conclusion of a case and
  - (d) the final destruction or archiving of each DVD.
3. Immediately after an interview concludes, the interviewer shall log the recordings into the prosecutor's archiving system.
4. As soon as possible after completing an interview, the interviewer shall write an executive summary consisting of identifying information and a summary of disclosures made and issues identified during the interview

**G. Video Recording – Procedures for Distribution and Storage by Law Enforcement.**

1. After the recordings are checked into the prosecutor's archive system, the interviewer shall notify the law enforcement agency that the interview is complete and the law enforcement recording is available for pickup.
2. The investigating detective or his/her designee shall personally pick up the law enforcement recording from the prosecutor's office. The investigating detective or designee shall immediately deliver the law enforcement recording to the agency's evidence custodian, or shall deliver it to the custodian as soon

as possible after viewing the DVD. The investigating detective or designee shall remain with the recording until it is entered into the law enforcement agency's evidence tracking system.

(a) The investigating agency shall not

- (1) copy the recording,
- (2) play the recording on a computer connected to any computer network or the internet,
- (3) upload the recording onto a computer hard drive or any other electronic storage media, or
- (4) otherwise disseminate the recording without specific approval of the prosecutor's office.

#### **H. Video Recording – Procedures for Protection Orders and Release to Defense Counsel.**

1. If a case is charged where a video recording is subject to disclosure pursuant to Criminal Rule 4.7, the prosecutor's office shall notify defense counsel of the recording's existence. If defense counsel asks to view the recording, the prosecutor's office shall facilitate a viewing on prosecutor's office or law enforcement premises. If defense counsel requests a copy of the DVD, the prosecutor's office shall release a copy of the DVD upon entry of a protection order by the court.
2. In each case where the prosecutor's office releases a copy of the recording to defense counsel, the parties must first enter a protection order that meets or exceeds the protections found in the sample protection order attached hereto as "Appendix A".

#### **I. Video Recording – Procedures for Security of Recordings, Long-term Storage and Final Destruction of Recording.**

1. The prosecutor's office is responsible for securely storing the prosecutor's recordings and copies made thereof. Deputy Prosecuting Attorneys or their investigators may view a DVD by checking it out of the archive system and then checking it back into the system immediately

after viewing. In no instance may the prosecutor's recording be removed from the premises of the prosecutor's office without explicit permission by the supervisor of the special assault unit.

2. The prosecutor's office will track all recordings, whether original or copied, and shall destroy recordings or document destruction of recordings according to the following schedule:

- (a) Law Enforcement Recording – Maintained by Agency:  
Returned for destruction upon request of prosecutor's office after determining that statute of limitations for all potential charges involving all potential defendants is exhausted. The law enforcement agency may also destroy the DVD and submit a certification of destruction made under penalty of perjury;
- (b) Law Enforcement Recording – Submitted into Evidence:  
Returned for destruction by the Superior Court's Clerks Office after issuance of a mandate or after non-conviction disposition of the case.
- (c) Defense copy – Returned for destruction five days after resolution of the case by plea, verdict or dismissal.
- (d) Copy of Prosecutor's Recording Made for Internal Use –  
Returned for destruction immediately after completion of work with recording.
- (e) Prosecutor's Recording – Destroyed the later of (a) exhaustion of the time for appeal and collateral attack in cases where defendants are convicted, or (b) when there is no reasonable possibility that the recording can be used in any criminal prosecution, two-or-three-strikes sentencing, or civil commitment proceeding.

#### **J. Video Recording – Procedures for Pro Se Defendants.**

- 1. In no event will DVD recordings or copies thereof be issued to a defendant who represents himself or herself.
- 2. In the event that a pro se defendant demands viewing of a video

recorded interview and the Court orders the viewing, law enforcement shall facilitate a supervised viewing of the law enforcement recording.

**K. Adult Victim Interviews.**

1. Investigators shall make all efforts to conduct a thorough interview that enhances free recall while keeping in mind the victim's cultural and language needs and emotional well being.
2. Near verbatim recording of the interview is encouraged.
3. See Section III (Agency Roles and Responsibilities) and Section X (Methods of Protecting Child and Adult Victims During An Investigation) of these protocol for further victim interview guidelines.

## **I. TRAINING AND QUALIFICATIONS OF INTERVIEWERS AND MULTI-DISCIPLINARY TEAM MEMBERS**

**A. “Primary Interviewers” are those who have primary responsibility for interviewing, including:**

1. The “Designated Child Interviewer” employed by the prosecutor’s office; or
2. CPS/APS/RCS workers assigned to investigate child and/or vulnerable adult sexual abuse allegations.

**B. Training of all Primary and Designated Interviewers shall be according to the following:**

1. All “Primary Child Interviewers” shall complete the minimum statutory training required by the state of Washington.
2. The Harborview training model or its equivalent is encouraged training for all “Primary Child Interviewers.”
3. Any “Designated Child Interviewer” shall receive the Harborview training or its equivalent prior to being selected as the “Designated Child Interviewer” or assuming that role.

**C. Training Goals of Primary and Designated Child Interviewers:**

1. “Primary Interviewers” shall have the requisite statutory training and should attend the yearly refresher Harborview training or its equivalent, when possible.
2. Each law enforcement agency shall make efforts to send personnel to the Harborview child interviewer training or its equivalent each year.
3. Interviewers are encouraged to meet on a regular basis (at least two times a year) to discuss current interview trends and research issues. These meetings shall be convened and the agenda set by the “Designated Child Interviewer.”
4. Law enforcement, CPS/APS/RCS and the prosecutor’s office should make efforts to send their Primary and Designated interviewers to the Harborview peer review meetings regularly.

**D. Training Goals of Multi-Disciplinary Team (MDT) Members:**

1. Training is routinely provided to all of the MDT members through their own

agencies as well as through trainings conducted by Kitsap S.A.I.V.S.

2. MDT members shall try to attend at least one “Team Training” per year.



## **J. MEDICAL EVALUATION, EVIDENCE AND TREATMENT**

*The primary purpose of the medical evaluation is to provide medical care to the patient/victim. Where appropriate, forensic evidence will be observed, documented and collected.*

### **A. Designated providers:**

1. EMS Personnel.
2. Harrison Medical Center's Sexual Assault Nurse Examiner Program (SANE) is recognized as the qualified and designated medical forensic program in this community.

### **B. Referral Sources for Harrison Medical Center's SANE program:**

1. Law Enforcement
2. Child Protective Services (CPS)
3. Adult Protective Services (APS)
4. The Prosecutor's Office
5. Hospital Emergency Department/Social Worker
6. EMS/ First Responders
7. Medical Community
8. Residential Care Services (RCS)

\*A Referral to SANE for exam by a mandatory reporter does NOT relieve that reporter from their statutory duty to report to CPS/APS/RCS or Law Enforcement.

### **C. Emergency Medical Services/ First Responders Response for Children Under the Age of Eighteen (18) or Vulnerable Adults:**

1. Ensure safety and provide medical aid as needed to save or assist the child or vulnerable adult.
2. If the victim is clearly dead:
  - (a) Do not move the body;
  - (b) Be careful not to destroy potential evidence;
  - (c) In cases of sudden, unexpected child death, refer to SUIDI Form;
  - (d) EMS shall complete a Reporting Form and share all information with the Coroner.

3. Make sure Law Enforcement has been notified (whether you stay at the scene or not):
  - a) Provide your contact information to Law Enforcement.
4. Document all adults and children present.
  - a) Include who has left the scene;
  - b) Document what they did and said; their appearance;
  - c) Document their reactions to death or injury.
5. Document all statements and demeanor (emotional state) of speakers:
  - a) ASAP and verbatim;
  - b) Explain your job is to provide medical aid;
  - c) Ask for caretaker explanation; request details;
  - d) Record observations of both words & actions.
6. Document all your observations of the environment ASAP:
  - a) Focus all your senses on the surroundings;
  - b) Describe scene accurately & completely;
  - c) Possible mechanism of injury present?
7. Consider & record victim's developmental level.
  - a) Compare reasonableness of history given regarding mechanism of injury to victim's age & developmental abilities and scene observations.
8. Know signs of possible abuse & neglect:
  - a) Physical abuse: Unexplained broken bones, bruises, black eyes, cuts, burns, welts; pattern injuries, bite marks; reports of injury received from an adult caretaker, etc.
  - b) Sexual abuse: Difficulty walking or sitting, inappropriate interest or knowledge of sexual acts, reports of inappropriate touching, etc.
  - c) Neglect: obvious lack of hygiene; back of head flat; severe diaper rash; bed sores; hungry; underweight; lack of food, formula or care; parent or child or caregiver use of drugs or alcohol, over-medication of the victim, or withholding medication, evidence of physical restraint, signs of lack of supervision, etc.
9. First Responders/ EMS shall refer to Kitsap County CPOD procedures.

#### **D. Duties of the Sexual Assault Nurse Examiner**

1. The Sexual Assault Nurse Examiner shall endeavor to document if known, or if ascertained for medical or forensic diagnostic purposes\*:

- a) The time frame of the incident;
- b) Whether the present situation is an acute or non-acute case;
- c) When was the last incident;
- d) The nature of the sexual abuse alleged;
- e) The family's ability to protect the victim or other children or vulnerable adults in the home.

*\*The Sexual Assault Nurse Examiner is not a forensic interviewer and shall not purposefully engage in an interview of the victim except as is necessary for diagnostic or treatment purposes.*

2. SANE shall ensure that the victim/case is engaged with one or more of the following agencies (either before or after the examination):

- a) Law Enforcement;
- b) The Prosecutor's Office;
- c) Child Protective Services Residential Care Services or Adult Protective Services;
- d) Hospital Emergency Department/Social Worker;
- e) KSAC;
- f) YWCA;
- g) Any other Victim Advocacy Program.

3. SANE shall identify whether an examination is needed.

- a) SANE shall follow established state wide protocols to make this determination.
- b) No exam conducted pursuant to this Protocol will be conducted without proper report to Law Enforcement, CPS/APS/RCS or an emergent referral through the Hospital ED.

4. SANE shall identify whether the case is acute or non-acute.

#### **E. Harrison Medical Center/ SANE Responsibilities in Acute Situations**

"Acute" situations are those where the victim/patient needs an immediate forensic/

medical exam based on the time frame. The time frame is as follows: (1) For children twelve (12) and under, there is a clear disclosure by the child and/or the incident was witnessed by an adult and it has been 72 hours or less since their last contact with the perpetrator; (2) For adolescents and adults, it has been – 120 hours or less since the last contact with the perpetrator.

1. Triage by hospital staff to determine the necessity of the medical exam and forensic evidence collection.
2. If an exam is to be performed immediately, the Hospital will page the on-call nurse examiner, the on-call sexual assault advocate and the Hospital's social worker.
3. If no exam is to be performed immediately, the hospital's social worker will meet with the victim and refer the victim for a SANE examination..
4. Law Enforcement and/or CPS shall be notified at any point during an acute exam where immediate intervention of that agency is necessary.
5. SANE shall obtain a signed medical release from the victim that is effective for ninety (90) days.
6. After an examination is performed:
  - a) SANE shall share information as described in Section IX (Information Sharing) of these protocol.
  - b) The forensic evidence kit (accompanied by forensic SANE chart and medical release) shall be turned over to Law Enforcement for pick-up.
  - c) A follow up exam shall be offered as appropriate and information regarding scheduling a follow up exam will be contained in the hospital discharge instructions.
  - d) SANE shall refer the patient to counseling or victim's services as appropriate.
  - e) Any dictation generated after the examination shall be forwarded directly to law enforcement.

#### **F. Harrison Medical Center/ SANE Responsibilities in Non-Acute Situations.**

“Non-Acute” situations are those situations where an adult or adolescent victim/patient had contact with the perpetrator over 120 hours ago, or those situations where a victim/patient aged twelve (12) and under had contact with the perpetrator over 48 hours ago.

1. Triage by hospital staff to determine the necessity of the medical exam and forensic evidence collection.
2. If an examination is to be performed, the intake person shall schedule an appointment that is to take place within 3 weeks and coordinate sexual assault victim advocate contact.
3. If there is no need to schedule an examination, the intake person shall make appropriate referrals to the appropriate agencies.
4. After an examination, is performed:
  - a) Cencom should be contacted to identify the jurisdiction of the law enforcement agency, if unknown.
  - b) SANE shall share information as described in Section IX (Information Sharing) of this protocol.
  - c) SANE shall refer the patient to counseling or victim’s services as appropriate.

#### **G. Privacy of the Forensic Examination**

1. Priority shall be given to maintaining the privacy of the victim with respect to maintaining the photo documentation of the examination.
2. Absent extraordinary circumstances, the photo documentation shall be viewed only by medical personnel for forensic and diagnostic purposes.

#### **H. Mental Health/ Counseling Referrals for Victims and Non-Offending Family Members:**

1. Mental Health services are always offered and referrals for services are made by KSAC, DSHS, YWCA, and other Victim

Advocacy Programs.

2. Mental Health services are available and accessible through Kitsap Mental Health Services (KMHS), DSHS, KSAC and other Victim Advocacy programs regardless of the ability to pay.

## **VIII. CASE REVIEW**

\*These protocol are to be liberally construed and should not act as a deterrent to any member of the Multi-Disciplinary Team to convene the team on any particular case.

### **A. Criteria Defining Complex Cases Where Multi-Disciplinary Team (MDT) Staffings Are Mandatory:**

1. Any child/vulnerable adult death resulting in criminal charges.
2. Multiple victims are apparent outside of same family.
3. Multiple Jurisdictions (more than one law enforcement agency and/or more than one CPS/APS Office).
4. Multiple suspects/perpetrators.
5. Abuse within an institutional setting where:
  - a) A group, organization, or facility has care of the victim(s).
  - b) The suspect is an employee, volunteer, member, participant, or otherwise normally associated with the institution.
  - c) Possibility of multiple victims or a perpetrator with access to multiple victims.
  - d) The suspect or victim is a family member or employee of a MDT member agency.

### **B. Core Team Membership**

1. Law Enforcement (Each agency involved)
2. Prosecutor
3. Division of Child and Family Services (CPS)
4. Adult Protective Services (APS)
5. Division Licensed Resources (CPS and APS and RCS)
6. Attorney General
7. EMS
8. Coroner
9. Representative from the non-law enforcement agency who initiated the investigation.

10. Medical community representative; contracted with by the prosecutor's office for consultation regarding necessity or advisability of forensic medical examinations.
11. Kitsap Mental Health Services (KMHS) or Other mental health provider(s).
12. Residential Care Services (RCS), if applicable
13. Others:
  - a) Victim Services (KSAC, SANE, YWCA, other victim advocacy programs).
    - i) When the team is convened, a representative of victims services shall be notified that the team has been convened and shall be notified if it is expected that the agencies will be impacted. Victims Services shall be relied upon in a consult capacity as needed and shall be afforded the opportunity to address the team at their discretion.
    - ii) Probation Officer(s), Department of Corrections (DOC)
    - iii) Other Interested Members of the Community.
      - (A) Other interested members of the community may be provided an opportunity to share information with the team as approved by the team.

#### **C. Who Convenes The Team**

1. Any representative from the core team membership.
2. Each member agency shall independently designate within their agency who has the authority to convene the MDT.

#### **D. How Is The Team Convened**

1. By contact with the head of the Prosecutor's Special Assault Unit



who will then be responsible for contacting members and designating time and place for meeting of core members.

#### **E. What Are The Time Frames**

1. When a complex case is identified by any team member they shall immediately notify the head of the Special Assault Unit (SAU). The SAU head shall have discretion in setting the time for a MDT meeting but shall convene team prior to any action being taken by any core member or prior to expiration of any compulsory time period applicable to any member (i.e. team must meet so DLR can meet 24 hour deadline). This shall not preclude any necessary emergency response by a team member agency to ensure the protection of the victim or integrity of the investigation.
2. The Team in its entirety, or a fraction thereof, shall meet or otherwise communicate prior to any further contact or further interview of victim, alleged suspect, or witness.

#### **F. Functions of The Team:**

1. At the meeting decisions shall be made as to each of the following, as applicable:
  - a) Who will take the lead in the investigation.
  - b) Who will contact and/or interview the suspect(s).
  - c) What steps will be taken to avoid contamination of possible victims: ie; using multiple interviewers, provision of only limited case information to interviewers, assurance that interviews are conducted pursuant to accepted interviewing protocols or standards.
  - d) How will the investigation be handled if a victim reports details that may have a bearing on other potential victims.
  - e) How can this information be used without compromising the investigation or contaminating the other witnesses.
  - f) Will potential victims be kept from speaking with other potential victims, and if so, how may that impact their well being.
  - g) How will the interviews be documented.
  - h) How will parents, guardians and others who may have been at risk of

victimization be notified.

- i) What information will be provided to them.
- j) Who will be identified as the person these individuals are to contact regarding the investigation.
- k) Which person will be designated to speak with the media.
- l) Are other resources needed by the team or group members.
- m) When should periodic meetings be scheduled to analyze and review progress, update information, and debrief the investigation.

#### **G. Ongoing MDT Team Functions:**

1. At the initial team meeting, the MDT team shall establish a plan or schedule for future meetings and a preliminary assessment as to the time frame of the investigation.
2. Termination of a particular MDT shall be by the consensus of members. At the termination meeting, members shall debrief and critique the efficacy of the team's work for the purpose of improving future MDT function.
3. No investigation shall be submitted for review by the prosecutor unless all investigative avenues have been explored by all agencies involved and/or an arrest has been made.

#### **H. Documentation Of MDT Staffings**

1. A case assignment log designating specific tasks and time frames for completion of the same shall be maintained.
2. Documentation is to be maintained by lead law enforcement agency or CPS (APS/RCS) if law enforcement is not involved.
3. All efforts shall be made to maintain the utmost confidentiality of MDT discussions as work product. The goal shall be to engender a free flow of information and ideas without compromising the confidentiality of the teams' work.

#### **I. Information Sharing**

1. Any recommendations about the case shall be communicated to the MDT members through the meeting minutes published after each Special Assault Unit meeting, or through a special memorandum if the meeting is held outside of the

normal meeting time.

2. A mental health professional will be encouraged to provide input at case review staffings and provide information about specific cases or general issues as allowed by professional privilege and confidentiality standards.

## **IX. INFORMATION SHARING**

Information shall be shared pursuant to the guidelines set forth in these protocol, according to each agency's departmental policies, Kitsap County's CPOD procedures and as controlled by statute.

## **X. METHODS OF PROTECTING CHILD AND ADULT VICTIMS DURING AN INVESTIGATION**

- A. First priority shall always be the health and welfare of a victim.
- B. The number and extent of victim interviews shall be limited according to the guidelines set forth in Section III (Agency Roles and Responsibilities) of these protocol.
- C. In determining whether additional interviews shall be conducted, consideration will be given to the emotional welfare of the victim and/or the input of a child victim's or vulnerable adult's parents or guardians (to the extent that they are not suspects or seeking to protect possible suspects.)
- D. Investigators shall seek the least intrusive of protective measures for a child/vulnerable adult victim.
- E. All criminal justice agencies will provide written information regarding victim's services or resources to the victim at the time of the report of the crime.
- F. Sharing of investigatory information shall be according to the guidelines set forth in Section III (Agency Roles and Responsibilities) of these protocol.
- G. These factors are not exclusive or exhaustive; the Kitsap County Special Assault Investigation Protocol in its entirety is designed to protect the child or adult victim while maintaining the integrity of the investigation.

## **XI. CASE TRACKING AND CLOSURE**

A. A decision to decline to prosecute shall be made by the reviewing prosecutor with written notice provided to the investigating law enforcement agency and written notice to the named victim, when appropriate.

B. Each law enforcement agency and/or CPS/ RCS/ APS shall close cases in accordance with their agency's protocol with appropriate notification to the named victim as the per agency guidelines.

C. No death, physical abuse, criminal neglect, sexual assault or domestic violence investigation shall be closed without disclosure of the investigative results to the prosecutor. No investigation shall be submitted for review by the prosecutor unless all investigative avenues have been explored by all agencies involved and/or an arrest has been made.

D. See Section VIII (Case Review) of these protocol for further case closure guidelines.

E. Each agency shall maintain and track case information per the agency's policies and procedures.

F. The Child Interviewers, Law Enforcement, Prosecutors, SANE and DSHS shall track and receive case information about a child sexual assault client/victim demographics including:

1. Age;
2. Ethnicity;
3. Disability;
4. Gender; and
5. Any other statistical data required by National Children's Alliance Accreditation standards.

## **XII. HUMAN TRAFFICKING/ COMMERCIAL SEXUAL EXPLOITATION**

Kitsap County recognizes that investigations into human trafficking are unique from those involving sexual assaults. Human trafficking investigations involve child victims and adult victims, and although they involve some of the complexities of both sexual assault and domestic violence related cases, they are unique and require their own protocols. The purpose of these protocols is to provide consistent and comprehensive investigations amongst the numerous agencies that participate in the investigation, prosecution, and provision of advocacy of these human trafficking cases.

### **Definitions**

1. Child victim – A person under the age of 18, who is recruited, harbored, transported, and/or obtained for the purposes of a commercial sex act and/or sexual exploitation. Child victims should be distinguished from adult victims because of the placement issues, need for forensic child interviews, and other complexities that may arise.
2. Adult victim – A person 18 or older, who is recruited, harbored, transported and/or obtained for the purposes of a commercial sex act. Adult victims are particularly vulnerable because a vast majority were recruited and entered into the commercial sex trade when they were minors.
3. Prostitute – Individuals (minors and adults) who are involved in the commercial sex industry.
4. Human Traffickers or “Pimps” – Individuals who recruit, harbor, transport, obtain and/or exploit another person for the purpose of commercially profiting from their sexual trade.
5. Joint Investigation – Generally, a joint investigation is deemed to be the joint sharing of information and collaborative investigative efforts as set forth in these protocol.
6. Human Trafficking Investigations – primarily done by detectives specializing in this area and conducting proactive investigations targeting human traffic related cases.
7. Other Law Enforcement – primarily patrol officers and street contact(s) not specifically targeting human trafficking. This can also include detectives working in other areas (i.e., drugs, burglaries, assaults, and domestic violence) that involve possible human trafficking related information.
8. “Johns” – Individuals who solicit or attempt to solicit commercial sex.

## **Law Enforcement Investigations**

### **1. Human Trafficking Investigations**

#### **A. Child Victims**

- 1.) Advocate shall be notified and/or utilized immediately by calling Kitsap Sexual Assault Center (KSAC) at 1-(866) 831-2050 or (360) 479-8500.
- 2.) The child victim interview should be conducted by the Prosecutor's Office Forensic Child Interviewer, but in the case of emergent circumstances, the Designated Law Enforcement Agency Child Interviewer may be utilized (refer to Section V in these protocol).
- 3.) Placement determination; see section 2 of these protocol (Placement of Child Victims).
- 4.) Law Enforcement and/or Child Protective Services shall utilize their own Standard Operating Procedure for notification of parents, guardians or other family members regarding the Child Victim.
- 5.) Law enforcement shall review all law enforcement databases(s) (LINX; iLEADS) for any prior contacts involving the child victim.
- 6.) Contact designated human trafficking prosecutor, as appropriate.
- 7.) Referrals for mental health counseling for the victim shall be made in accordance with the victim advocacy program's referral policies and/or will be made through Kitsap Mental Health Services.

#### **B. Adult Victims**

- 1.) Advocate shall be notified and/or utilized immediately by calling Kitsap Sexual Assault Center (KSAC) at 1-(866) 831-2050 or (360) 479-8500.
- 2.) Lead detective shall make determination of how to conduct and document the interview.
- 3.) Law enforcement agencies may utilize the Prosecutor's Office Forensic Child Interviewers or the Agency Designated Child Interviewers to conduct the interview of the adult victim.
- 4.) Referrals for mental health counseling for the victim shall be made in accordance with the victim advocacy program's referral policies and/or will be made through Kitsap Mental Health Services.



### **C. Confidential informants**

- 1.) Law enforcement shall consult with the designated human trafficking prosecutor before utilizing any confidential informant.

## **2. Placement of the Child Victim**

**NON CUSTODIAL RELEASE** – A child victim may be temporarily detained but released to the following designated custodians without taking them into custody as follows:

- (A) **No Immediate Safety Issues:** Release to parent/guardian provided there are no immediate safety or placement concerns with the child as follows:
  - (1) No suspected abuse or neglect by parent/guardian.
  - (2) Release to the following custodian provided they will accept the child, can be notified, and will arrive within a reasonable time:
    - (a) Parent/guardian or
    - (b) Upon approval of parent/guardian, to responsible adult willing to accept the child; and,
    - (c) Upon approval by parent, child, and law enforcement, the child may be transported by law enforcement to the custodian.
  - (3) Explain the circumstances for detaining the child to the child, custodian, and, in the written investigation.
- (B) **Dependency Issues:** If the child is a dependent child supervised by a Washington State agency then they may only be released as follows:
  - (1) State agency will accept the child.
  - (2) Release authorized to the following custodian provided they can be notified and will arrive within a reasonable time:
    - (a) State agency or its authorized agent; or,
    - (b) Child Protective Services (CPS); and,
    - (c) Upon approval by both custodian and law enforcement, the child may be transported by law enforcement to the custodian.
  - (3) Explain the circumstances for detaining the child to the child, custodian, and, in the written investigation.

**TEMPORARY CUSTODY (RCW 13.32A.050)** – A child victim may only be taken into temporary law enforcement custody under either of the following options at the time of detainment (A) or (B):

- (A) **Option #1: An immediate concern for whereabouts & safety of the child**

- (1) There must be at least one of the following reasons for concern:
    - (a) Parent/guardian indicates child absent from home w/o consent; or,
    - (b) Child's age, the location, and time of day indicates safety concerns; or,
    - (c) Child is unlawfully harbored in violation of RCW 13.32A.080.
  - (2) Law enforcement shall transport and deliver the child to the following custodian provided they will accept the child and can be notified and available within a reasonable time and distance:
    - (a) Parent/guardian if no suspected abuse or neglect issues, or, at request of parent/guardian, to the following:
      - (I) Home of a responsible adult;
      - (II) Child Protective Services (CPS); or
      - (III) Licensed youth shelter.
    - (b) If parent/guardian not available or, abuse/neglect issues, then to Child Protective Services (CPS)
  - (3) Explain reason for custody to child, custodian, and, in the written investigation.
- (B) Option #2: The child is a Washington State dependent on runaway status**
- (1) State agency legally charged with supervision of the child indicates the child has run away from placement.
  - (2) If available within a reasonable time and distance, deliver to agency, or, CPS.
  - (3) Explain reason for custody to the child, agency/CPS, and, in the written investigation.

**FULL CUSTODY & DETENTION** – A child victim may only be taken to Kitsap County Juvenile Detention on the following conditions existing at the time of detainment:

- (A) **Arrest warrants** – Warrants of arrest (and other court pickup orders authorizing detention); or,
- (B) **Non-Prostitution Arrest** - Probable cause exists to arrest for new crime unrelated to prostitution or the human trafficking itself; or,
- (C) **Out of State Run-Away** - The child has run-away or absconded from another state (detention authorized by Interstate Compact).
- (D) **Prostitution Arrest**—Probable cause exists for the crime of prostitution, or related human trafficking offenses. Arrest and detention on such an offense shall not be conducted unless the prosecutor's office has been consulted and/or all other avenues for placement have been exhausted.

### **3. Information Gathering**

A. Anytime a member of law enforcement suspects that human trafficking may be occurring, the officer shall write an information-only report including as much detail as possible, even if the suspicion does not rise to the level of probable cause to arrest.

- 1.) Forward to Prosecutor's Office as Human Trafficking/Information Only report.
- 2.) Forward to designated Human Trafficking detective(s).

### **4. Prosecution Standards**

- A. Pimps will have absolutely no influence over how a victim's case(s) will be resolved, and every effort will be made to avoid any contact between the pimp and victim.
- B. "Johns" will be prosecuted to the fullest extent of the law. Some benefit may be given to the John/defendant if their testimony is of paramount importance, but consideration will only be made on a case-by-case basis and based upon their successful cooperation with the prosecution of pimps.
- C. Prosecution of adult victims:
  - 1.) The goal with charged prostitutes is to resolve with felony diversion agreement, or some similar diversion program with a focus toward rehabilitating the victim.
  - 2.) Determination of whether to charge or not will be decided on a case by case basis.

### **5. How Multi Disciplinary Teams Will Convene and Access Information**

- A. MDT members should adhere to the provisions of the Kitsap County Special Assault Protocol Section VIII (Case Review).

**Kitsap SAIVS Protocol**  
**Resources for Human Trafficking Investigations**

**FBI Child Exploitation Task Force/ South Sound Child Exploitation Task Force (formerly known as Innocence Lost Initiative):**

[http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost)

**National Center for Missing and Exploited Children (NCMEC):**

[http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost)

1-800-THE LOST/ 1-800-843-5678

[WWW.CYBERTIPLINE.COM](http://WWW.CYBERTIPLINE.COM)

**Washington State Patrol (WSP) Missing and Exploited Children Task Force (MECTF):**

[MECTF@wsp.wa.gov](mailto:MECTF@wsp.wa.gov)

Phone: (360) 704-2410

Fax: (360) 704-2973

P.O. Box 2347

Olympia, WA 98507-2347

FOR MISSING CHILDREN:

<http://www.wsp.wa.gov/crime/mpu.htm#mectf>

1-800-543-5678

Email: [MUPU@wsp.wa.gov](mailto:MUPU@wsp.wa.gov)

**Internet Crimes Against Children (ICAC) Task Force:**

<https://www.icactaskforce.org/Pages/Home.aspx>

**Washington Contact-- E-mail: [tag.gleason@seattle.gov](mailto:tag.gleason@seattle.gov)**

Seattle Police Department

Contact: Captain Tag Gleason

Phone: (206) 684-4351

**Kitsap/ Jefferson FBI:**

Seattle Line: (206) 622-0460

**Western States Information Network (WSIN):**

<http://oag.ca.gov/bi/wsin>

**Shared Hope**

[www.sharedhope.com](http://www.sharedhope.com)

**High Intensity Drug Trafficking Areas (HIDTA) Program:**

<http://www.whitehouse.gov/ondcp/high-intensity-drug-trafficking-areas-program>

**Northwest HIDTA Contact**

Dave Rodriguez, Director

300 Fifth Ave, 13th Floor

Seattle, WA 98104

**Naval Criminal Investigative Service (NCIS):**

(360) 476-3650 (Bremerton)

After Hours Contact Navy Region Northwest Regional Operation Center (ROC) and ask for NCIS Duty

Agent: (360) 315-5122 or 877-414-5358

Main Number: (360)396-4660

Resources Include: Dept. of Defense Personnel Database, Computer/Electronic Forensic Exams, and Major Case Response Team (MCRT)/ Crime Scene Investigators.

**Bremerton Police Department:**

(360) 473-5228

Resources include: Computer/Electronic Forensic Exams, and three (3) Designated Agency Child Interviewers.

**Child Protective Services (CPS):**

Local Intake (Bremerton DCFS) (360) 475-3688/ 1-888-713-6115

(866) END HARM/ (866)363-4276/1-800-423-6246

After hours Intake: 1-800-562-5624

**Kitsap Sexual Assault Center (KSAC) Victim Advocates:**

(866)831-2050 or (360)479-8500

**YWCA Alive Program Victim Advocates:**

<http://www.ywcakitsap.org/>

(360) 479-0522 or (800)500-5513

**Designated Prosecutor's Office Human Trafficking Prosecutor:**

(360) 337-5728

After Hours: (253) 389-6050

# Kitsap County SO Policy Manual

## LE Policies

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